

Union Calendar No. 336

106TH CONGRESS
2^D SESSION

H. R. 4205

[Report No. 106-616]

To authorize appropriations for fiscal year 2001 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2001, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 6, 2000

Mr. SPENCE (for himself and Mr. SKELTON) (both by request) introduced the following bill; which was referred to the Committee on Armed Services

MAY 12, 2000

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on April 6, 2000]

A BILL

To authorize appropriations for fiscal year 2001 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2001, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; FINDINGS.**

2 (a) *SHORT TITLE.*—*This Act may be cited as the*
3 *“Floyd D. Spence National Defense Authorization Act for*
4 *Fiscal Year 2001”.*

5 (b) *FINDINGS.*—*Congress makes the following findings:*

6 (1) *Representative Floyd D. Spence of South*
7 *Carolina was elected to the House of Representatives*
8 *in 1970, for service in the 92d Congress, after serving*
9 *in the South Carolina legislature for 10 years, and he*
10 *has been reelected to each subsequent Congress.*

11 (2) *Representative Spence came to Congress as a*
12 *distinguished veteran of service in the Armed Forces*
13 *of the United States.*

14 (3) *Upon graduation from college in 1952, Rep-*
15 *resentative Spence was commissioned as an ensign in*
16 *the United States Naval Reserve. After entering active*
17 *duty, he served with distinction aboard the USS*
18 *CARTER HALL and the USS LSM–397 during the*
19 *Korean War and later served as commanding officer*
20 *of a Naval Reserve Surface Division and as group*
21 *commander of all Naval Reserve units in Columbia,*
22 *South Carolina. Representative Spence retired from*
23 *the Naval Reserve in 1988 in the grade of captain,*
24 *after 41 years of dedicated service.*

25 (4) *Upon election to the House of Representa-*
26 *tives, Representative Spence became a member of the*

1 *Committee on Armed Services of that body. During*
2 *30 years of service on that committee (four years of*
3 *which were served while the committee was known as*
4 *the Committee on National Security), Representative*
5 *Spence's contributions to the national defense and se-*
6 *curity of the United States have been profound and*
7 *long lasting.*

8 *(5) Representative Spence served as chairman of*
9 *that committee while known as the Committee on Na-*
10 *tional Security during the 104th and 105th Con-*
11 *gresses and serves as chairman of that committee for*
12 *the 106th Congress. In addition, Representative*
13 *Spence served as the ranking minority member of the*
14 *Committee on Armed Services during the 103d Con-*
15 *gress.*

16 *(6) Dozens of awards from active duty and re-*
17 *serve military, veterans service, military retiree, and*
18 *industry organizations and associations have recog-*
19 *nized the distinguished character of Representative*
20 *Spence's service to the Nation.*

21 *(7) Representative Spence has been a leading fig-*
22 *ure in the debate over many of the most critical mili-*
23 *tary readiness, health care, recruiting, and retention*
24 *issues currently confronting the Nation's military.*
25 *His concern for the men and women in uniform has*

1 *been unwavering, and his accomplishments in pro-*
2 *moting and gaining support for those issues that pre-*
3 *serve the combat effectiveness, morale, and quality of*
4 *life of the Nation's military personnel have been un-*
5 *paralleled.*

6 *(8) During his tenure as chairman of the Com-*
7 *mittee on National Security and the Committee on*
8 *Armed Services of the House of Representatives, Rep-*
9 *resentative Spence has—*

10 *(A) led efforts to identify and reverse the ef-*
11 *fect that declining resources and rising commit-*
12 *ments have had on military quality of life for*
13 *service members and their families, on combat*
14 *readiness, and on equipment modernization,*
15 *with a direct result of those diligent efforts and*
16 *of his willingness to be an outspoken proponent*
17 *for America's military being that Congress has*
18 *added nearly \$50,000,000,000 to the President's*
19 *defense budgets over the past five years;*

20 *(B) been a leading proponent of the need to*
21 *expeditiously develop and field a national mis-*
22 *sile defense to protect American citizens and for-*
23 *ward deployed military forces from growing bal-*
24 *listic missile threats;*

1 (C) advocated reversing the growing dis-
2 parity between actual military capability and
3 the requirements associated with the National
4 Military Strategy; and

5 (D) led efforts in Congress to reform De-
6 partment of Defense acquisition and manage-
7 ment headquarters and infrastructure and busi-
8 ness practices.

9 (9) This Act is the 30th annual authorization
10 bill for the Department of Defense for which Rep-
11 resentative Spence has taken a major responsibility as
12 a member of the Committee on Armed Services of the
13 House of Representatives (including four years while
14 that committee was known as the Committee on Na-
15 tional Security).

16 (10) In light of the findings in the preceding
17 paragraphs, it is altogether fitting and proper that
18 this Act be named in honor of Representative Floyd
19 D. Spence of South Carolina, as provided in sub-
20 section (a).

21 **SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF**
22 **CONTENTS.**

23 (a) DIVISIONS.—This Act is organized into three divi-
24 sions as follows:

1 (1) *Division A—Department of Defense Author-*
2 *izations.*

3 (2) *Division B—Military Construction Author-*
4 *izations.*

5 (3) *Division C—Department of Energy National*
6 *Security Authorizations and Other Authorizations.*

7 (b) *TABLE OF CONTENTS.—The table of contents for*
8 *this Act is as follows:*

Sec. 1. Short title; findings.

Sec. 2. Organization of Act into divisions; table of contents.

Sec. 3. Congressional defense committees defined.

***DIVISION A—DEPARTMENT OF DEFENSE
AUTHORIZATIONS***

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.

Sec. 102. Navy and Marine Corps.

Sec. 103. Air Force.

Sec. 104. Defense-wide activities.

Sec. 105. Defense Inspector General.

Sec. 106. Chemical demilitarization program.

Sec. 107. Defense Health Program.

Subtitle B—Army Programs

Sec. 111. Multiyear procurement authority.

*Sec. 112. Increase in limitation on number of Bunker Defeat Munitions that may
be acquired.*

Sec. 113. Armament Retooling and Manufacturing Support Initiative.

Subtitle C—Navy Programs

Sec. 121. Submarine force structure.

Sec. 122. Virginia class submarine program.

Sec. 123. Retention of configuration of certain Naval Reserve frigates.

*Sec. 124. Extension of multiyear procurement authority for Arleigh Burke class
destroyers.*

Subtitle D—Air Force Programs

Sec. 131. Annual report on operational status of B-2 bomber.

Subtitle E—Joint Programs

Sec. 141. Study of production alternatives for the Joint Strike Fighter program.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.
Sec. 202. Amount for basic and applied research.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. High energy laser programs.
Sec. 212. Management of Space-Based Infrared System—Low.
Sec. 213. Joint strike fighter.

Subtitle C—Ballistic Missile Defense

Sec. 231. Funding for fiscal year 2001.
Sec. 232. Sense of Congress concerning commitment to deployment of National Missile Defense system.
Sec. 233. Reports on ballistic missile threat posed by North Korea.
Sec. 234. Plan to modify ballistic missile defense architecture to cover intermediate-range ballistic missile threats.
Sec. 235. Designation of Airborne Laser Program as a program element of Ballistic Missile Defense program.

Subtitle D—Other Matters

Sec. 241. Recognition of those individuals instrumental to naval research efforts during the period from before World War II through the end of the Cold War.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.
Sec. 302. Working capital funds.
Sec. 303. Armed Forces Retirement Home.
Sec. 304. Transfer from National Defense Stockpile Transaction Fund.

Subtitle B—Environmental Provisions

Sec. 311. Payment of fines and penalties imposed for environmental violations.
Sec. 312. Necessity of military low-level flight training to protect national security and enhance military readiness.
Sec. 313. Use of environmental restoration accounts to relocate activities from defense environmental restoration sites.

Subtitle C—Commissaries and Nonappropriated Fund Instrumentalities

Sec. 321. Use of appropriated funds to cover operating expenses of commissary stores.

- Sec. 322. Adjustment of sales prices of commissary store goods and services to cover certain expenses.*
- Sec. 323. Use of surcharges for construction and improvement of commissary stores.*
- Sec. 324. Inclusion of magazines and other periodicals as an authorized commissary merchandise category.*
- Sec. 325. Use of most economical distribution method for distilled spirits.*
- Sec. 326. Report on effects of availability of slot machines on United States military installations overseas.*

Subtitle D—Performance of Functions by Private-Sector Sources

- Sec. 331. Inclusion of additional information in reports to Congress required before conversion of commercial or industrial type functions to contractor performance.*
- Sec. 332. Limitation on use of funds for Navy Marine Corps intranet contract.*

Subtitle E—Defense Dependents Education

- Sec. 341. Assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.*
- Sec. 342. Eligibility for attendance at Department of Defense domestic dependent elementary and secondary schools.*

Subtitle F—Military Readiness Issues

- Sec. 351. Additional capabilities of, and reporting requirements for, the readiness reporting system.*
- Sec. 352. Reporting requirements regarding transfers from high-priority readiness appropriations.*
- Sec. 353. Department of Defense strategic plan to reduce backlog in maintenance and repair of defense facilities.*

Subtitle G—Other Matters

- Sec. 361. Authority to ensure demilitarization of significant military equipment formerly owned by the Department of Defense.*
- Sec. 362. Annual report on public sale of certain military equipment identified on United States Munitions List.*
- Sec. 363. Registration of certain information technology systems with chief information officer.*
- Sec. 364. Studies and reports required as precondition to certain manpower reductions.*
- Sec. 365. National Guard assistance for certain youth and charitable organizations.*

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

- Sec. 401. End strengths for active forces.*
- Sec. 402. Revision in permanent end strength minimum levels.*
- Sec. 403. Adjustment to end strength flexibility authority.*

Subtitle B—Reserve Forces

- Sec. 411. End strengths for Selected Reserve.*
Sec. 412. End strengths for Reserves on active duty in support of the Reserves.
Sec. 413. End strengths for military technicians (dual status).
Sec. 414. Increase in numbers of members in certain grades authorized to be on active duty in support of the Reserves.

Subtitle C—Authorization of Appropriations

- Sec. 421. Authorization of appropriations for military personnel.*

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—General Personnel Management Authorities

- Sec. 501. Authority for Secretary of Defense to suspend certain personnel strength limitations during war or national emergency.*
Sec. 502. Authority to issue posthumous commissions in the case of members dying before official recommendation for appointment or promotion is approved by secretary concerned.
Sec. 503. Technical correction to retired grade rule for Army and Air Force officers.
Sec. 504. Extension to end of calendar year of expiration date for certain force drawdown transition authorities.
Sec. 505. Clarification of requirements for composition of active-duty list selection boards when reserve officers are under consideration.
Sec. 506. Voluntary Separation Incentive.
Sec. 507. Congressional review period for assignment of women to duty on submarines and for any proposed reconfiguration or design of submarines to accommodate female crew members.

Subtitle B—Reserve Component Personnel Policy

- Sec. 511. Exemption from active-duty list for reserve officers on active duty for a period of three years or less.*
Sec. 512. Exemption of reserve component medical and dental officers from counting in grade strengths.
Sec. 513. Continuation of officers on the reserve active status list without requirement for application.
Sec. 514. Authority to retain reserve component chaplains and officers in medical specialties until specified age.
Sec. 515. Authority for temporary increase in number of reserve component personnel serving on active duty or full-time National Guard duty in certain grades.
Sec. 516. Authority for provision of legal services to reserve component members following release from active duty.
Sec. 517. Entitlement to separation pay for reserve officers released from active duty upon declining selective continuation on active duty after second failure of selection for promotion.
Sec. 518. Extension of involuntary civil service retirement date for certain reserve technicians.

Subtitle C—Education and Training

- Sec. 521. College tuition assistance program for pursuit of degrees by members of the Marine Corps Platoon Leaders Class program.*

- Sec. 522. Review of allocation of Junior Reserve Officers Training Corps units among the services.*
- Sec. 523. Authority for Naval Postgraduate School to enroll certain defense industry civilians in specified programs relating to defense product development.*

Subtitle D—Decorations, Awards, and Commendations

- Sec. 531. Authority for award of the Medal of Honor to Andrew J. Smith for valor during the Civil War.*
- Sec. 532. Authority for award of the Medal of Honor to Ed W. Freeman for valor during the Vietnam Conflict.*
- Sec. 533. Consideration of proposals for posthumous or honorary promotions or appointments of members or former members of the Armed Forces and other qualified persons.*
- Sec. 534. Waiver of time limitations for award of Navy Distinguished Flying Cross to certain persons.*
- Sec. 535. Addition of certain information to markers on graves containing remains of certain unknowns from the U.S.S. ARIZONA who died in the Japanese attack on Pearl Harbor on December 7, 1941.*
- Sec. 536. Sense of Congress regarding final crew of U.S.S. INDIANAPOLIS.*
- Sec. 537. Posthumous advancement of Rear Admiral (retired) Husband E. Kimmel and Major General (retired) Walter C. Short on retired lists.*
- Sec. 538. Commendation of citizens of Remy, France, for World War II actions.*

Subtitle E—Military Justice Matters

- Sec. 541. Recognition by States of military testamentary instruments.*
- Sec. 542. Probable cause required for entry of names of subjects into official criminal investigative reports.*
- Sec. 543. Collection and use of DNA identification information from violent and sexual offenders in the Armed Forces.*
- Sec. 544. Limitation on Secretarial authority to grant clemency for military prisoners serving sentence of confinement for life without eligibility for parole.*
- Sec. 545. Authority for civilian special agents of military department criminal investigative organizations to execute warrants and make arrests.*

Subtitle F—Other Matters

- Sec. 551. Funeral honors duty compensation.*
- Sec. 552. Test of ability of reserve component intelligence units and personnel to meet current and emerging defense intelligence needs.*
- Sec. 553. National Guard Challenge program.*
- Sec. 554. Study of use of civilian contractor pilots for operational support missions.*
- Sec. 555. Pilot program to enhance military recruiting by improving military awareness of school counselors and educators.*
- Sec. 556. Reimbursement for expenses incurred by members in connection with cancellation of leave on short notice.*

**TITLE VI—COMPENSATION AND OTHER PERSONNEL
BENEFITS****Subtitle A—Pay and Allowances**

- Sec. 601. Increase in basic pay for fiscal year 2001.*
- Sec. 602. Revised method for calculation of basic allowance for subsistence.*
- Sec. 603. Family subsistence supplemental allowance for low-income members of the Armed Forces.*
- Sec. 604. Calculation of basic allowance for housing for inside the United States.*
- Sec. 605. Equitable treatment of junior enlisted members in computation of basic allowance for housing.*
- Sec. 606. Basic allowance for housing authorized for additional members without dependents who are on sea duty.*
- Sec. 607. Personal money allowance for senior enlisted members of the Armed Forces.*
- Sec. 608. Allowance for officers for purchase of required uniforms and equipment.*
- Sec. 609. Increase in monthly subsistence allowance for members of precommissioning programs.*
- Sec. 610. Additional amount available for fiscal year 2001 increase in basic allowance for housing inside the United States.*

Subtitle B—Bonuses and Special and Incentive Pays

- Sec. 611. Extension of certain bonuses and special pay authorities for reserve forces.*
- Sec. 612. Extension of certain bonuses and special pay authorities for nurse officer candidates, registered nurses, and nurse anesthetists.*
- Sec. 613. Extension of authorities relating to payment of other bonuses and special pays.*
- Sec. 614. Consistency of authorities for special pay for reserve medical and dental officers.*
- Sec. 615. Special pay for Coast Guard physician assistants.*
- Sec. 616. Special duty assignment pay for enlisted members.*
- Sec. 617. Revision of career sea pay.*
- Sec. 618. Revision of enlistment bonus authority.*
- Sec. 619. Authorization of retention bonus for members of the Armed Forces qualified in a critical military skill.*
- Sec. 620. Elimination of required congressional notification before implementation of certain special pay authority.*

Subtitle C—Travel and Transportation Allowances

- Sec. 631. Advance payments for temporary lodging of members and dependents.*
- Sec. 632. Additional transportation allowance regarding baggage and household effects.*
- Sec. 633. Equitable dislocation allowances for junior enlisted members.*
- Sec. 634. Authority to reimburse military recruiters, Senior ROTC cadre, and military entrance processing personnel for certain parking expenses.*
- Sec. 635. Expansion of funded student travel for dependents.*

Subtitle D—Retirement and Survivor Benefit Matters

- Sec. 641. Increase in maximum number of reserve retirement points that may be credited in any year.*
- Sec. 642. Reserve component survivor benefit plan spousal consent requirement.*

Subtitle E—Other Matters

Sec. 651. Participation in Thrift Savings Plan.

TITLE VII—HEALTH CARE PROVISIONS**Subtitle A—Health Care Services**

Sec. 701. Two-year extension of authority for use of contract physicians at military entrance processing stations and elsewhere outside medical treatment facilities.

Sec. 702. Medical and dental care for medal of honor recipients.

Sec. 703. Provision of domiciliary and custodial care for CHAMPUS beneficiaries and certain former CHAMPUS beneficiaries.

Sec. 704. Demonstration project for expanded access to mental health counselors.

Sec. 705. Teleradiology demonstration project.

Subtitle B—TRICARE Program

Sec. 711. Additional beneficiaries under TRICARE Prime Remote program in the continental United States.

Sec. 712. Elimination of copayments for immediate family.

Sec. 713. Modernization of TRICARE business practices and increase of use of military treatment facilities.

Sec. 714. Claims processing improvements.

Sec. 715. Prohibition against requirement for prior authorization for certain referrals; report on nonavailability-of-health-care statements.

Sec. 716. Authority to establish special locality-based reimbursement rates; reports.

Sec. 717. Reimbursement for certain travel expenses.

Sec. 718. Reduction of catastrophic cap.

Sec. 719. Report on protections against health care providers seeking direct reimbursement from members of the uniformed services.

Sec. 720. Disenrollment process for TRICARE retiree dental program.

Subtitle C—Health Care Programs for Medicare-Eligible Department of Defense Beneficiaries

Sec. 721. Implementation of TRICARE senior pharmacy program.

Sec. 722. Study on health care options for medicare-eligible military retirees.

Sec. 723. Extended coverage under Federal Employees Health Benefits Program.

Sec. 724. Extension of TRICARE senior supplement program.

Sec. 725. Extension of TRICARE senior prime demonstration project.

Subtitle D—Other Matters

Sec. 731. Training in health care management and administration.

Sec. 732. Study of accrual financing for health care for military retirees.

Sec. 733. Tracking patient safety in military medical treatment facilities.

Sec. 734. Pharmaceutical identification technology.

Sec. 735. Management of vaccine immunization program.

Sec. 736. Study on feasibility of sharing biomedical research facility.

Sec. 737. Chiropractic health care for members on active duty.

Sec. 738. VA-DOD sharing agreements for health services.

**TITLE VIII—ACQUISITION POLICY, ACQUISITION
MANAGEMENT, AND RELATED MATTERS**

- Sec. 801. Extension of authority for Department of Defense acquisition pilot programs; reports required.*
- Sec. 802. Technical data rights for items developed exclusively at private expense.*
- Sec. 803. Management of acquisition of mission-essential software for major defense acquisition programs.*
- Sec. 804. Extension of waiver period for live-fire survivability testing for MH-47E and MH-60K helicopter modification programs.*
- Sec. 805. Three-year extension of authority of Defense Advanced Research Projects Agency to carry out certain prototype projects.*
- Sec. 806. Certification of major automated information systems as to compliance with Clinger-Cohen Act.*
- Sec. 807. Limitations on procurement of certain items.*
- Sec. 808. Multiyear services contracts.*
- Sec. 809. Study on impact of foreign sourcing of systems on long-term military readiness and related industrial infrastructure.*
- Sec. 810. Prohibition against use of Department of Defense funds to give or withhold a preference to a marketer or vendor of firearms or ammunition.*
- Sec. 811. Study and report on practice of contract bundling in military construction contracts.*

**TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND
MANAGEMENT**

- Sec. 901. Change of title of certain positions in the Headquarters, Marine Corps.*
- Sec. 902. Further reductions in defense acquisition and support workforce.*
- Sec. 903. Clarification of scope of inspector general authorities under military whistleblower law.*
- Sec. 904. Report on number of personnel assigned to legislative liaison functions.*
- Sec. 905. Joint report on establishment of national collaborative information analysis capability.*
- Sec. 906. Organization and management of Civil Air Patrol.*
- Sec. 907. Report on Network Centric Warfare.*
- Sec. 908. Defense Institute for Hemispheric Security Cooperation.*
- Sec. 909. Department of Defense regional centers for security studies.*
- Sec. 910. Change in name of Armed Forces Staff College to Joint Forces Staff College.*

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

- Sec. 1001. Transfer authority.*
- Sec. 1002. Incorporation of classified annex.*
- Sec. 1003. Authorization of emergency supplemental appropriations for fiscal year 2000.*
- Sec. 1004. Contingent repeal of certain provisions shifting certain outlays from one fiscal year to another.*
- Sec. 1005. Limitation on funds for Bosnia and Kosovo peacekeeping operations for fiscal year 2001.*

Subtitle B—Naval Vessels and Shipyards

- Sec. 1011. National Defense Features Program.*

Subtitle C—Counter-Drug Activities

- Sec. 1021. Report on Department of Defense expenditures to support foreign counter-drug activities.*
- Sec. 1022. Report on tethered aerostat radar system.*

Subtitle D—Other Matters

- Sec. 1031. Funds for administrative expenses under Defense Export Loan Guarantee program.*
- Sec. 1032. Technical and clerical amendments.*
- Sec. 1033. Transfer of Vietnam era TA-4 aircraft to nonprofit foundation.*
- Sec. 1034. Transfer of 19th century cannon to museum.*
- Sec. 1035. Expenditures for declassification activities.*
- Sec. 1036. Authority to provide loan guarantees to improve domestic preparedness to combat cyberterrorism.*
- Sec. 1037. V-22 cockpit aircraft voice and flight data recorders.*

TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL

- Sec. 1101. Employment and compensation provisions for employees of temporary organizations established by law or executive order.*
- Sec. 1102. Restructuring the restriction on degree training.*
- Sec. 1103. Continuation of tuition reimbursement and training for certain acquisition personnel.*
- Sec. 1104. Extension of authority for civilian employees of the Department of Defense to participate voluntarily in reductions in force.*
- Sec. 1105. Expansion of defense civilian intelligence personnel system positions.*
- Sec. 1106. Pilot program for reengineering the equal employment opportunity complaint process.*

TITLE XII—MATTERS RELATING TO OTHER NATIONS

- Sec. 1201. Support of United Nations-sponsored efforts to inspect and monitor Iraqi weapons activities.*
- Sec. 1202. Annual report assessing effect of continued operations in the Balkans region on readiness to execute the national military strategy.*
- Sec. 1203. Situation in the Balkans.*
- Sec. 1204. Limitation on number of military personnel in Colombia.*

TITLE XIII—COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION

- Sec. 1301. Specification of Cooperative Threat Reduction programs and funds.*
- Sec. 1302. Funding allocations.*
- Sec. 1303. Prohibition on use of funds for elimination of conventional weapons.*
- Sec. 1304. Limitations on use of funds for fissile material storage facility.*
- Sec. 1305. Limitation on use of funds until submission of multiyear plan.*
- Sec. 1306. Russian nonstrategic nuclear arms.*
- Sec. 1307. Limitation on use of funds to support warhead dismantlement processing.*
- Sec. 1308. Agreement on nuclear weapons storage sites.*
- Sec. 1309. Prohibition on use of funds for construction of fossil fuel energy plants.*
- Sec. 1310. Audits of Cooperative Threat Reduction programs.*
- Sec. 1311. Limitation on use of funds for prevention of biological weapons proliferation in Russia.*

**TITLE XIV—COMMISSION TO ASSESS THE THREAT TO THE
UNITED STATES FROM ELECTROMAGNETIC PULSE (EMP)
ATTACK**

- Sec. 1401. Establishment of commission.*
Sec. 1402. Duties of commission.
Sec. 1403. Report.
Sec. 1404. Powers.
Sec. 1405. Commission procedures.
Sec. 1406. Personnel matters.
Sec. 1407. Miscellaneous administrative provisions.
Sec. 1408. Funding.
Sec. 1409. Termination of the commission.

**TITLE XV—PROVISIONS REGARDING VIEQUES ISLAND,
PUERTO RICO**

- Sec. 1501. Conditions on disposal of Naval Ammunition Support Detachment,
Vieques Island.*
Sec. 1502. Retention of eastern portion of Vieques Island.
Sec. 1503. Limitations on military use of Vieques Island.
Sec. 1504. Economic assistance for residents of Vieques Island.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

- Sec. 2001. Short title.*

TITLE XXI—ARMY

- Sec. 2101. Authorized Army construction and land acquisition projects.*
Sec. 2102. Family housing.
Sec. 2103. Improvements to military family housing units.
Sec. 2104. Authorization of appropriations, Army.
Sec. 2105. Modification of authority to carry out certain fiscal year 1999 project.

TITLE XXII—NAVY

- Sec. 2201. Authorized Navy construction and land acquisition projects.*
Sec. 2202. Family housing.
Sec. 2203. Improvements to military family housing units.
Sec. 2204. Authorization of appropriations, Navy.
*Sec. 2205. Modification of authority to carry out fiscal year 1997 project at Ma-
rine Corps Combat Development Command, Quantico, Virginia.*

TITLE XXIII—AIR FORCE

- Sec. 2301. Authorized Air Force construction and land acquisition projects.*
Sec. 2302. Family housing.
Sec. 2303. Improvements to military family housing units.
Sec. 2304. Authorization of appropriations, Air Force.

TITLE XXIV—DEFENSE AGENCIES

- Sec. 2401. Authorized Defense Agencies construction and land acquisition
projects.*
Sec. 2402. Authorization of appropriations, Defense Agencies.

**TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION
SECURITY INVESTMENT PROGRAM**

- Sec. 2501. Authorized NATO construction and land acquisition projects.*
Sec. 2502. Authorization of appropriations, NATO.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

- Sec. 2601. Authorized Guard and Reserve construction and land acquisition projects.*

**TITLE XXVII—EXPIRATION AND EXTENSION OF
AUTHORIZATIONS**

- Sec. 2701. Expiration of authorizations and amounts required to be specified by law.*
Sec. 2702. Extension of authorizations of certain fiscal year 1998 projects.
Sec. 2703. Extension of authorizations of certain fiscal year 1997 projects.
Sec. 2704. Effective date.

TITLE XXVIII—GENERAL PROVISIONS

**Subtitle A—Military Construction Program and Military
Family Housing Changes**

- Sec. 2801. Revision of limitations on space by pay grade.*
Sec. 2802. Leasing of military family housing, United States Southern Command, Miami, Florida.
Sec. 2803. Extension of alternative authority for acquisition and improvement of military housing.
Sec. 2804. Expansion of definition of armory to include readiness centers.

Subtitle B—Real Property and Facilities Administration

- Sec. 2811. Increase in threshold for notice and wait requirements for real property transactions.*
Sec. 2812. Enhancement of authority of military departments to lease non-excess property.
Sec. 2813. Conveyance authority regarding utility systems of military departments.

Subtitle C—Land Conveyances

PART I—ARMY CONVEYANCES

- Sec. 2831. Transfer of jurisdiction, Rock Island Arsenal, Illinois.*
Sec. 2832. Land conveyance, Army Reserve Center, Galesburg, Illinois.
Sec. 2833. Land conveyance, Army Reserve Center, Winona, Minnesota.
Sec. 2834. Land conveyance, Fort Polk, Louisiana.
Sec. 2835. Land conveyance, Fort Pickett, Virginia.
Sec. 2836. Land conveyance, Fort Dix, New Jersey.
Sec. 2837. Land conveyance, Nike Site 43, Elrama, Pennsylvania.
Sec. 2838. Land exchange, Fort Hood, Texas.
Sec. 2839. Land conveyance, Charles Melvin Price Support Center, Illinois.
Sec. 2840. Land conveyance, Army Reserve Local Training Center, Chattanooga, Tennessee.

PART II—NAVY CONVEYANCES

- Sec. 2851. Modification of authority for Oxnard Harbor District, Port Hueneme, California, to use certain Navy property.*
- Sec. 2852. Modification of land conveyance, Marine Corps Air Station, El Toro, California.*
- Sec. 2853. Transfer of jurisdiction, Marine Corps Air Station, Miramar, California.*
- Sec. 2854. Lease of property, Marine Corps Air Station, Miramar, California.*
- Sec. 2855. Lease of property, Naval Air Station, Pensacola, Florida.*
- Sec. 2856. Land exchange, Marine Corps Recruit Depot, San Diego, California.*
- Sec. 2857. Land exchange, Naval Air Reserve Center, Columbus, Ohio.*
- Sec. 2858. Land conveyance, Naval Reserve Center, Tampa, Florida.*

PART III—AIR FORCE CONVEYANCES

- Sec. 2861. Land conveyance, Wright Patterson Air Force Base, Ohio.*
- Sec. 2862. Land conveyance, Point Arena Air Force Station, California.*
- Sec. 2863. Land conveyance, Los Angeles Air Force Base, California.*

PART IV—OTHER CONVEYANCES

- Sec. 2871. Conveyance of Army and Air Force Exchange Service property, Farmers Branch, Texas.*

Subtitle D—Other Matters

- Sec. 2881. Relation of easement authority to leased parkland, Marine Corps Base, Camp Pendleton, California.*
- Sec. 2882. Extension of demonstration project for purchase of fire, security, police, public works, and utility services from local government agencies.*
- Sec. 2883. Establishment of World War II memorial on Guam.*
- Sec. 2884. Naming of Army missile testing range at Kwajalein Atoll as the Ronald Reagan Ballistic Missile Defense Test Site at Kwajalein Atoll.*
- Sec. 2885. Designation of building at Fort Belvoir, Virginia, in honor of Andrew T. McNamara.*
- Sec. 2886. Designation of Balboa Naval Hospital, San Diego, California, in honor of Bob Wilson, a former Member of the House of Representatives.*
- Sec. 2887. Sense of Congress regarding importance of expansion of National Training Center, Fort Irwin, California.*

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS***TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS******Subtitle A—National Security Programs Authorizations***

- Sec. 3101. National Nuclear Security Administration.*
- Sec. 3102. Defense environmental restoration and waste management.*
- Sec. 3103. Other defense activities.*
- Sec. 3104. Defense facilities closure projects.*
- Sec. 3105. Defense environmental management privatization.*
- Sec. 3106. Defense nuclear waste disposal.*

Subtitle B—Recurring General Provisions

- Sec. 3121. Reprogramming.*
Sec. 3122. Limits on general plant projects.
Sec. 3123. Limits on construction projects.
Sec. 3124. Fund transfer authority.
Sec. 3125. Authority for conceptual and construction design.
Sec. 3126. Authority for emergency planning, design, and construction activities.
Sec. 3127. Availability of funds.
Sec. 3128. Transfers of defense environmental management funds.

Subtitle C—Program Authorizations, Restrictions, and Limitations

- Sec. 3131. Funding for termination costs for tank waste remediation system environmental project, Richland, Washington.*
Sec. 3132. Enhanced cooperation between National Nuclear Security Administration and Ballistic Missile Defense Organization.
Sec. 3133. Required contents of future-years nuclear security program to be submitted with fiscal year 2002 budget and limitation on the obligation of certain funds pending submission of that program.
Sec. 3134. Limitation on obligation of certain funds.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

- Sec. 3201. Authorization.*

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

- Sec. 3301. Authorized uses of stockpile funds.*
Sec. 3302. Use of excess titanium sponge in the National Defense Stockpile to manufacture Department of Defense equipment.

TITLE XXXIV—MARITIME ADMINISTRATION

- Sec. 3401. Authorization of appropriations for fiscal year 2001.*
Sec. 3402. Extension of period for disposal of obsolete vessels in the National Defense Reserve Fleet.
Sec. 3403. Authority to convey National Defense Reserve Fleet vessel, GLACIER.

1 SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.

2 *For purposes of this Act, the term “congressional de-*
3 *fense committees” means—*

4 *(1) the Committee on Armed Services and the*
5 *Committee on Appropriations of the Senate; and*

1 (2) *the Committee on Armed Services and the*
2 *Committee on Appropriations of the House of Rep-*
3 *resentatives.*

4 ***DIVISION A—DEPARTMENT OF***
5 ***DEFENSE AUTHORIZATIONS***
6 ***TITLE I—PROCUREMENT***
7 ***Subtitle A—Authorization of***
8 ***Appropriations***

9 ***SEC. 101. ARMY.***

10 *Funds are hereby authorized to be appropriated for fis-*
11 *cal year 2001 for procurement for the Army as follows:*

12 (1) *For aircraft, \$1,542,762,000.*

13 (2) *For missiles, \$1,367,681,000.*

14 (3) *For weapons and tracked combat vehicles,*
15 *\$2,167,938,000.*

16 (4) *For ammunition, \$1,199,323,000.*

17 (5) *For other procurement, \$4,095,270,000.*

18 ***SEC. 102. NAVY AND MARINE CORPS.***

19 (a) *NAVY.—Funds are hereby authorized to be appro-*
20 *priated for fiscal year 2001 for procurement for the Navy*
21 *as follows:*

22 (1) *For aircraft, \$8,205,758,000.*

23 (2) *For weapons, including missiles and tor-*
24 *pedoes, \$1,562,250,000.*

1 (3) For shipbuilding and conversion,
2 \$11,981,968,000.

3 (4) For other procurement, \$3,432,011,000.

4 (b) MARINE CORPS.—Funds are hereby authorized to
5 be appropriated for fiscal year 2001 for procurement for
6 the Marine Corps in the amount of \$1,254,735,000.

7 (c) NAVY AND MARINE CORPS AMMUNITION.—Funds
8 are hereby authorized to be appropriated for fiscal year
9 2001 for procurement of ammunition for the Navy and the
10 Marine Corps in the amount of \$481,349,000.

11 **SEC. 103. AIR FORCE.**

12 Funds are hereby authorized to be appropriated for fis-
13 cal year 2001 for procurement for the Air Force as follows:

14 (1) For aircraft, \$10,267,153,000.

15 (2) For missiles, \$3,046,715,000.

16 (3) For ammunition, \$638,808,000.

17 (4) For other procurement, \$7,869,903,000.

18 **SEC. 104. DEFENSE-WIDE ACTIVITIES.**

19 (a) AMOUNT AUTHORIZED.—Funds are hereby author-
20 ized to be appropriated for fiscal year 2001 for Defense-
21 wide procurement in the amount of \$2,309,074,000.

22 (b) AMOUNT FOR NATIONAL MISSILE DEFENSE.—Of
23 the funds authorized to be appropriated in subsection (a),
24 \$74,500,000 shall be available for the National Missile De-
25 fense program.

1 **SEC. 105. DEFENSE INSPECTOR GENERAL.**

2 *Funds are hereby authorized to be appropriated for fis-*
3 *cal year 2001 for procurement for the Inspector General of*
4 *the Department of Defense in the amount of \$3,300,000.*

5 **SEC. 106. CHEMICAL DEMILITARIZATION PROGRAM.**

6 *There is hereby authorized to be appropriated for fiscal*
7 *year 2001 the amount of \$877,100,000 for—*

8 *(1) the destruction of lethal chemical agents and*
9 *munitions in accordance with section 1412 of the De-*
10 *partment of Defense Authorization Act, 1986 (50*
11 *U.S.C. 1521); and*

12 *(2) the destruction of chemical warfare materiel*
13 *of the United States that is not covered by section*
14 *1412 of such Act.*

15 **SEC. 107. DEFENSE HEALTH PROGRAMS.**

16 *Funds are hereby authorized to be appropriated for fis-*
17 *cal year 2001 for the Department of Defense for procure-*
18 *ment for carrying out health care programs, projects, and*
19 *activities of the Department of Defense in the total amount*
20 *of \$290,006,000.*

21 ***Subtitle B—Army Programs***

22 **SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY.**

23 *(a) M2A3 BRADLEY FIGHTING VEHICLE.—(1) Begin-*
24 *ning with the fiscal year 2001 program year, the Secretary*
25 *of the Army may, in accordance with section 2306b of title*
26 *10, United States Code, enter into one or more multiyear*

1 *contracts for procurement of M2A3 Bradley fighting vehi-*
2 *cles.*

3 *(2) The Secretary of the Army may execute a contract*
4 *authorized by paragraph (1) only after—*

5 *(A) there is a successful completion of a M2A3*
6 *Bradley initial operational test and evaluation*
7 *(IOT&E); and*

8 *(B) the Secretary certifies in writing to the con-*
9 *gressional defense committees that the vehicle met all*
10 *required test parameters.*

11 *(b) UTILITY HELICOPTERS.—Beginning with the fis-*
12 *cal year 2002 program year, the Secretary of the Army*
13 *may, in accordance with section 2306b of title 10, United*
14 *States Code, enter into one or more multiyear contracts for*
15 *procurement of UH–60 Blackhawk utility helicopters and,*
16 *acting as executive agent for the Department of the Navy,*
17 *CH–60 Knighthawk utility helicopters.*

18 **SEC. 112. INCREASE IN LIMITATION ON NUMBER OF**
19 **BUNKER DEFEAT MUNITIONS THAT MAY BE**
20 **ACQUIRED.**

21 *Section 116(2) of the National Defense Authorization*
22 *Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat.*
23 *2862) is amended by striking “6,000” and inserting*
24 *“8,500”.*

1 **SEC. 113. ARMAMENT RETOOLING AND MANUFACTURING**
2 **SUPPORT INITIATIVE.**

3 (a) *EXPANSION OF AUTHORITY.*—*The Armament Re-*
4 *tooling and Manufacturing Support Act of 1992 (subtitle*
5 *H of title I of Public Law 102–484; 10 U.S.C. 2501 note)*
6 *is amended—*

7 (1) *in section 193—*

8 (A) *in subsection (a), by striking “2001”*
9 *and inserting “2002”; and*

10 (B) *by adding at the end the following new*
11 *subsection:*

12 “(d) *INCLUSION OF MANUFACTURING ARSENALS.*—*For*
13 *purposes of this Act, a manufacturing arsenal of the De-*
14 *partment of the Army shall be treated as a Government-*
15 *owned, contractor-operated manufacturing facility of the*
16 *Department of the Army.”; and*

17 (2) *in section 194—*

18 (A) *by striking subsection (a)(1) and insert-*
19 *ing the following:*

20 “(1) *to use the facility for any period of time*
21 *that the Secretary determines is appropriate for the*
22 *accomplishment of, and consistent with, the needs of*
23 *the Department of the Army and the purposes of the*
24 *ARMS Initiative; and”;* and

25 (B) *by adding at the end the following new*
26 *subsection:*

1 “(c) *AUTHORITY TO ACCEPT NON-MONETARY CONSID-*
2 *ERATION FOR USE OF FACILITIES.*—*The Secretary may ac-*
3 *cept non-monetary consideration in lieu of rental payments*
4 *for use of a facility under a contract entered into under*
5 *this section.*”.

6 (b) *REPORT.*—*Not later than July 1, 2001, the Sec-*
7 *retary of the Army shall submit to the congressional defense*
8 *committees a report on the progress of the implementation*
9 *of the ARMS Initiative at manufacturing arsenals of the*
10 *Department of the Army under the Armament Retooling*
11 *and Manufacturing Support Act of 1992 (as amended by*
12 *subsection (a)). The report shall contain a comprehensive*
13 *review of contracting at the manufacturing arsenals of the*
14 *Department of the Army and such recommendations as the*
15 *Secretary considers appropriate.*

16 ***Subtitle C—Navy Programs***

17 ***SEC. 121. SUBMARINE FORCE STRUCTURE.***

18 (a) *LIMITATION ON RETIREMENT OF SUBMARINES.*—
19 *The Secretary of Defense may not retire from the active*
20 *force structure of the Navy any Los Angeles class nuclear-*
21 *powered attack submarine (SSN) which has less than 30*
22 *years of active service.*

23 (b) *REPORT.*—*Not later than April 15, 2001, the*
24 *President shall submit to Congress a report on the required*
25 *force structure for nuclear-powered submarines, including*

1 *attack submarines (SSNs), ballistic missile submarines*
2 *(SSBNs), and cruise missile submarines (SSGNs), to sup-*
3 *port the national military strategy through 2020. The re-*
4 *port shall include a detailed discussion of the acquisition*
5 *strategy and fleet maintenance requirements to achieve and*
6 *maintain that force structure through—*

7 (1) *the procurement of new construction sub-*
8 *marines;*

9 (2) *the refueling of Los Angeles class attack sub-*
10 *marines (SSNs) to achieve the maximum amount of*
11 *operational useful service; and*

12 (3) *the conversion of Ohio class submarines that*
13 *are no longer required for the strategic deterrence*
14 *mission from their current ballistic missile (SSBN)*
15 *configuration to a cruise-missile (SSGN) configura-*
16 *tion.*

17 **SEC. 122. VIRGINIA CLASS SUBMARINE PROGRAM.**

18 (a) *CONTRACT AUTHORITY.—The Secretary of the*
19 *Navy is authorized to enter into a contract or contracts for*
20 *the procurement of five Virginia class submarines during*
21 *fiscal years 2003 through 2006. Any such contract shall*
22 *provide that any obligation of the United States to make*
23 *payments under the contract is subject to the availability*
24 *of funds provided in advance in appropriations Acts. The*
25 *submarines authorized to be procured under this subsection*

1 *are in addition to the submarines authorized under section*
2 *121(b) of the National Defense Authorization Act for Fiscal*
3 *Year 1998 (Public Law 105–85; 111 Stat. 1648).*

4 *(b) SHIPBUILDER TEAMING.—Paragraphs (2)(A), (3),*
5 *and (4) of section 121(b) of National Defense Authorization*
6 *Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat.*
7 *1648) apply to the procurement of submarines under this*
8 *section.*

9 *(c) LIMITATION OF LIABILITY.—If a contract entered*
10 *into under this section is terminated, the United States*
11 *shall not be liable for termination costs in excess of the total*
12 *amount appropriated for the Virginia class submarine pro-*
13 *gram.*

14 **SEC. 123. RETENTION OF CONFIGURATION OF CERTAIN**
15 **NAVAL RESERVE FRIGATES.**

16 *For each FFG–7 class frigate produced in Flight I or*
17 *Flight II of that class that is commissioned in active serv-*
18 *ice, the Secretary of the Navy shall, for so long as the vessel*
19 *remains commissioned in active service—*

20 *(1) provide for the vessel to be configured and*
21 *equipped with the complete organic weapons system*
22 *capability for that vessel, as specified in the Navy’s*
23 *Operational Requirements Document; and*

24 *(2) retain those operational assets that are inte-*
25 *gral to the FFG–7 weapons system in their current*

1 *(as of the enactment of this Act) locations in order to*
2 *avoid disruption of established training and oper-*
3 *ational cycles.*

4 **SEC. 124. EXTENSION OF MULTIYEAR PROCUREMENT AU-**
5 **THORITY FOR ARLEIGH BURKE CLASS DE-**
6 **STROYERS.**

7 *(a) AUTHORITY FOR ADDITIONAL MULTIYEAR PRO-*
8 *CUREMENT.—Section 122(b) of the National Defense Au-*
9 *thorization Act for Fiscal Year 1997 (Public Law 104–201;*
10 *110 Stat. 2446), as amended by section 122(a) of the Na-*
11 *tional Defense Authorization Act for Fiscal Year 2000 (Pub-*
12 *lic Law 106–65; 113 Stat. 534), is amended—*

13 *(1) in the first sentence, by striking “18 Arleigh*
14 *Burke class destroyers” and all that follows through*
15 *“2003” and inserting “Arleigh Burke class destroy-*
16 *ers”; and*

17 *(2) by inserting after the first sentence the fol-*
18 *lowing new sentence: “Vessels authorized under this*
19 *subsection shall be acquired at a procurement rate of*
20 *three ships per year in each of fiscal years 1998*
21 *through 2001 and up to three ships per year in each*
22 *of fiscal years 2002 through 2005.”.*

23 *(b) CLERICAL AMENDMENT.—The heading for such*
24 *subsection is amended by striking “OF 18 VESSELS”.*

1 ***Subtitle D—Air Force Programs***

2 ***SEC. 131. ANNUAL REPORT ON OPERATIONAL STATUS OF B-***
3 ***2 BOMBER.***

4 (a) *IN GENERAL.*—(1) *Chapter 136 of title 10, United*
5 *States Code, is amended by adding at the end the following*
6 *new section:*

7 ***“§2282. B-2 bomber: annual report on operational***
8 ***status***

9 *“Not later than March 1 of each year, the Secretary*
10 *of Defense shall submit to the Committee on Armed Services*
11 *of the Senate and the Committee on Armed Services of the*
12 *House of Representatives a report on the operational status*
13 *of the B-2 bomber. Each such report shall include the fol-*
14 *lowing:*

15 *“(1) An assessment as to whether the B-2 air-*
16 *craft has a high probability of being able to perform*
17 *its intended missions.*

18 *“(2) Identification of all planned or ongoing de-*
19 *velopment of technologies to enhance B-2 aircraft ca-*
20 *capabilities for which funds are programmed in the fu-*
21 *ture years defense program and an assessment as to*
22 *whether those technologies—*

23 *“(A) are consistent with the Air Force*
24 *bomber roadmap in effect at the time of the*
25 *report;*

1 “(B) are consistent with the recommenda-
2 tions of the report of the Long-Range Air Power
3 panel established by section 8131 of the Depart-
4 ment of Defense Appropriations Act, 1998 (Pub-
5 lic Law 105–56); and

6 “(C) will be sufficient to assure that the B–
7 2 aircraft will have a high probability of being
8 able to perform its intended missions in the fu-
9 ture.

10 “(3) Definition of any additional technology de-
11 velopment required to assure that the B–2 aircraft
12 will retain a high probability of being able to perform
13 its intended missions and an estimate of the funding
14 required to develop those additional technologies.

15 “(4) An assessment as to whether the technologies
16 identified pursuant to paragraph (2) are adequately
17 funded in the budget request for the next fiscal year
18 and whether funds have been identified throughout the
19 future years defense program to continue those tech-
20 nology developments at an adequate level.”.

21 (2) The table of sections at the beginning of such chap-
22 ter is amended by adding at the end the following new item:

 “2282. B–2 bomber: annual report on operational status.”.

23 (b) *REPEAL OF SUPERSEDED REPORTING REQUIRE-*
24 *MENT.*—Section 112 of the National Defense Authorization

1 *Act for Fiscal Years 1990 and 1991 (Public Law 101–189)*
2 *is repealed.*

3 ***Subtitle E—Joint Programs***

4 ***SEC. 141. STUDY OF PRODUCTION ALTERNATIVES FOR THE***
5 ***JOINT STRIKE FIGHTER PROGRAM.***

6 (a) *REPORT REQUIRED.*—*Not later than 180 days*
7 *after the date of the enactment of this Act, the Secretary*
8 *of Defense shall submit to Congress a report providing the*
9 *results of a study of production alternatives for the Joint*
10 *Strike Fighter aircraft program and the effects on the tac-*
11 *tical fighter aircraft industrial base of each alternative con-*
12 *sidered.*

13 (b) *MATTERS TO BE INCLUDED.*—*The report under*
14 *subsection (a) shall include the following:*

15 (1) *Examination of alternative production strat-*
16 *egies for the program, including—*

17 (A) *production of all aircraft under the pro-*
18 *gram at one location;*

19 (B) *production at dual locations; and*

20 (C) *production at multiple locations using*
21 *facilities of the existing bomber and fighter air-*
22 *craft production base.*

23 (2) *Identification of each major Government or*
24 *industry facility that is a potential location for pro-*
25 *duction of such aircraft.*

1 (3) *Identification of the anticipated costs of pro-*
2 *duction of that aircraft at each facility identified*
3 *pursuant to paragraph (2) under each of the alter-*
4 *native production strategies examined pursuant to*
5 *paragraph (1), based upon a reasonable profile for the*
6 *annual procurement of that aircraft once it enters*
7 *production.*

8 (4) *A comparison, for each such production*
9 *strategy, of the anticipated costs of carrying out pro-*
10 *duction of that aircraft at each such location with the*
11 *costs of carrying out such production at each of the*
12 *other such locations.*

13 (c) *COST COMPARISON.—In identifying costs under*
14 *subsection (b)(3) and carrying out the cost comparisons re-*
15 *quired by subsection (b)(4), the Secretary shall include con-*
16 *sideration of each of the following factors:*

- 17 (1) *State tax credits.*
18 (2) *State and local incentives.*
19 (3) *Skilled resident workforce.*
20 (4) *Supplier and technical support bases.*
21 (5) *Available stealth production facilities.*
22 (6) *Environmental standards.*

1 **TITLE II—RESEARCH, DEVELOP-**
2 **MENT, TEST, AND EVALUA-**
3 **TION**

4 **Subtitle A—Authorization of**
5 **Appropriations**

6 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

7 *Funds are hereby authorized to be appropriated for fis-*
8 *cal year 2001 for the use of the Department of Defense for*
9 *research, development, test, and evaluation as follows:*

10 (1) *For the Army, \$5,500,246,000.*

11 (2) *For the Navy, \$8,834,477,000.*

12 (3) *For the Air Force, \$13,677,108,000.*

13 (4) *For Defense-wide activities, \$11,297,323,000,*
14 *of which \$219,560,000 is authorized for Operational*
15 *Test and Evaluation, Defense.*

16 **SEC. 202. AMOUNT FOR BASIC AND APPLIED RESEARCH.**

17 (a) *FISCAL YEAR 2001.—Of the amounts authorized*
18 *to be appropriated by section 201, \$4,435,354,000 shall be*
19 *available for basic research and applied research projects.*

20 (b) *BASIC RESEARCH AND APPLIED RESEARCH DE-*
21 *FINED.—For purposes of this section, the term “basic re-*
22 *search and applied research” means work funded in pro-*
23 *gram elements for defense research and development under*
24 *Department of Defense category 6.1 or 6.2.*

1 ***Subtitle B—Program Requirements,***
2 ***Restrictions, and Limitations***

3 ***SEC. 211. HIGH ENERGY LASER PROGRAMS.***

4 (a) *FUNDING FOR FISCAL YEAR 2001.—(1) Of the*
5 *amount authorized to be appropriated by section 201(4),*
6 *\$30,000,000 is authorized for high energy laser develop-*
7 *ment.*

8 (2) *Funds available under this section are available*
9 *to supplement the high energy laser programs of the mili-*
10 *tary departments and Defense Agencies, as determined by*
11 *the official designated under subsection (b).*

12 (b) *DESIGNATION OF OFFICIAL FOR HIGH ENERGY*
13 *LASER PROGRAMS.—(1) The Secretary of Defense shall des-*
14 *ignate a senior civilian official in the Office of the Secretary*
15 *of Defense (in this section referred to as the “designated offi-*
16 *cial”) to carry out responsibilities for the programs for*
17 *which funds are provided under this section. The designated*
18 *official shall report directly to the Under Secretary of De-*
19 *fense for Acquisition, Technology, and Logistics for matters*
20 *concerning the responsibilities specified in paragraph (2).*

21 (2) *The primary responsibilities of the designated offi-*
22 *cial shall include the following:*

23 (A) *Establishment of priorities for the high en-*
24 *ergy laser programs of the military departments and*
25 *the Defense Agencies.*

1 (B) *Coordination of high energy laser programs*
2 *among the military departments and the Defense*
3 *Agencies.*

4 (C) *Identification of promising high energy laser*
5 *technologies for which funding should be a high pri-*
6 *ority for the Department of Defense and establishment*
7 *of priority for funding among those technologies.*

8 (D) *Preparation, in coordination with the Secre-*
9 *taries of the military departments and the Directors*
10 *of the Defense Agencies, of a detailed technology plan*
11 *to develop and mature high energy laser technologies.*

12 (E) *Planning and programming appropriate to*
13 *rapid evolution of high energy laser technology.*

14 (F) *Ensuring that high energy laser programs of*
15 *each military department and the Defense Agencies*
16 *are initiated and managed effectively and are com-*
17 *plementary with programs managed by the other*
18 *military departments and Defense Agencies and by*
19 *the Office of the Secretary of Defense.*

20 (G) *Ensuring that the high energy laser pro-*
21 *grams of the military department and the Defense*
22 *Agencies comply with the requirements specified in*
23 *subsection (c).*

1 (c) *COORDINATION AND FUNDING BALANCE.*—*In car-*
2 *rying out the responsibilities specified in subsection (b)(2),*
3 *the designated official shall ensure that—*

4 (1) *high energy laser programs of each military*
5 *department and of the Defense Agencies are consistent*
6 *with the priorities identified in the designated offi-*
7 *cial’s planning and programming activities;*

8 (2) *funding provided by the Office of the Sec-*
9 *retary of Defense for high energy laser research and*
10 *development complements high energy laser programs*
11 *for which funds are provided by the military depart-*
12 *ments and the Defense Agencies;*

13 (3) *beginning with fiscal year 2002, funding*
14 *from the Office of the Secretary of Defense in applied*
15 *research and advanced technology development pro-*
16 *gram elements is not applied to technology efforts in*
17 *support of high energy laser programs that are not*
18 *funded by a military department or the Defense*
19 *Agencies; and*

20 (4) *funding from the Office of the Secretary of*
21 *Defense to complement an applied research or ad-*
22 *vanced technology development high energy laser pro-*
23 *gram for which funds are provided by one of the mili-*
24 *tary departments or the Defense Agencies do not ex-*

1 *ceed the amount provided by the military department*
2 *or the Defense Agencies for that program.*

3 *(d) SENSE OF CONGRESS.—It is the sense of Congress*
4 *that—*

5 *(1) the Department of Defense should establish*
6 *funding for high energy laser programs within the*
7 *science and technology programs of each of the mili-*
8 *tary departments and the Ballistic Missile Defense*
9 *Organization; and*

10 *(2) the Secretary of Defense should establish a*
11 *goal that basic, applied, and advanced research in*
12 *high energy laser technology should constitute at least*
13 *4.5 percent of the total science and technology budget*
14 *of the Department of Defense by fiscal year 2004.*

15 *(e) INTERAGENCY MEMORANDUM OF AGREEMENT.—*

16 *(1) The Secretary of Defense and the Administrator for Nu-*
17 *clear Security of the Department of Energy shall enter into*
18 *a memorandum of agreement to conduct joint research and*
19 *development on military applications of high energy lasers.*

20 *(2) The projects pursued under the memorandum of*
21 *agreement—*

22 *(A) shall be of mutual benefit to the national se-*
23 *curity programs of the Department of Defense and the*
24 *National Nuclear Security Administration of the De-*
25 *partment of Energy;*

1 (B) shall be prioritized jointly by officials des-
2 ignated to do so by the Secretary of Defense and the
3 Administrator; and

4 (C) shall be consistent with the technology plan
5 prepared pursuant to subsection (b)(2) and the re-
6 quirements identified in subsection (c).

7 (3) Costs of each project pursued under the memo-
8 randum of agreement shall be shared equally by the Depart-
9 ment of Defense and the National Nuclear Security Admin-
10 istration.

11 (4) The memorandum of agreement shall provide for
12 appropriate peer review of projects pursued under the
13 memorandum of agreement.

14 (f) *TECHNOLOGY PLAN.*—The designated official shall
15 submit to the congressional defense committees by February
16 15 of each fiscal year the technology plan prepared pursu-
17 ant to subsection (b)(2). The report shall be submitted in
18 unclassified and, if necessary, classified form.

19 (g) *ANNUAL REPORT.*—Not later than February 15 of
20 2001, 2002, and 2003, the Secretary of Defense shall submit
21 to the congressional defense committees a report on high en-
22 ergy laser programs of the Department of Defense. Each re-
23 port shall include an assessment of the following:

1 committees that the technological maturity of key tech-
2 nologies for the program is sufficient to warrant entry of
3 the program into the Engineering and Manufacturing De-
4 velopment stage.

5 ***Subtitle C—Ballistic Missile***
6 ***Defense***

7 ***SEC. 231. FUNDING FOR FISCAL YEAR 2001.***

8 *Of the funds authorized to be appropriated in section*
9 *201(4), \$2,066,200,000 shall be available for the National*
10 *Missile Defense program.*

11 ***SEC. 232. SENSE OF CONGRESS CONCERNING COMMITMENT***
12 ***TO DEPLOYMENT OF NATIONAL MISSILE DE-***
13 ***FENSE SYSTEM.***

14 *(a) STATEMENT OF POLICY.—Congress reaffirms the*
15 *policy of the United States declared in the National Missile*
16 *Defense Act of 1999 (Public Law 106–38, signed into law*
17 *by the President on July 22, 1999).*

18 *(b) FINDINGS.—Congress makes the following findings:*

19 *(1) An effective National Missile Defense system*
20 *is technologically feasible.*

21 *(2) Hostile “rogue” nations are capable of posing*
22 *missile threats the United States which justify deploy-*
23 *ment of a National Missile Defense system.*

24 *(c) SENSE OF CONGRESS.—It is the sense of Congress*
25 *that the action of the President in signing the National Mis-*

1 *sile Defense Act of 1999 entails a commitment by the Presi-*
2 *dent to execute the policy declared in that Act.*

3 **SEC. 233. REPORTS ON BALLISTIC MISSILE THREAT POSED**
4 **BY NORTH KOREA.**

5 *(a) REPORT ON BALLISTIC MISSILE THREAT.—Not*
6 *later than two weeks after the next flight test by North*
7 *Korea of a long-range ballistic missile, or 60 days after the*
8 *date of the enactment of this Act, whichever is sooner, the*
9 *President shall submit to Congress, in classified and unclas-*
10 *sified form, a report on the North Korean ballistic missile*
11 *threat to the United States. The report shall include the*
12 *following:*

13 *(1) An assessment of the current North Korean*
14 *missile threat to the 50 States.*

15 *(2) An assessment of whether the United States*
16 *is capable of defeating the North Korean long-range*
17 *missile threat to the United States as of the date of*
18 *the report.*

19 *(3) An assessment of when the United States will*
20 *be capable of defeating the North Korean missile*
21 *threat to the United States.*

22 *(4) An assessment of the potential for prolifera-*
23 *tion of North Korean missile technologies to other*
24 *states and whether such proliferation will accelerate*

1 *the development of additional long-range ballistic*
2 *missile threats to the United States.*

3 **(b) REPORT ON REDUCING VULNERABILITY.**—*Not*
4 *later than two weeks after the next flight test by North*
5 *Korea of a long-range ballistic missile, the President shall*
6 *submit to Congress a report providing the following:*

7 *(1) Any additional steps the President intends to*
8 *take to reduce the period of time during which the*
9 *Nation is vulnerable to the North Korean long-range*
10 *ballistic missile threat.*

11 *(2) The technical and programmatic viability of*
12 *testing any other missile defense systems against tar-*
13 *gets with flight characteristics similar to the North*
14 *Korean long-range missile threat, and plans to do so*
15 *if such tests are considered to be a viable alternative.*

16 **SEC. 234. PLAN TO MODIFY BALLISTIC MISSILE DEFENSE**
17 **ARCHITECTURE TO COVER INTERMEDIATE-**
18 **RANGE BALLISTIC MISSILE THREATS.**

19 **(a) PLAN.**—*The Director of the Ballistic Missile De-*
20 *fense Organization shall develop a plan to adapt ballistic*
21 *missile defense systems and architectures to counter poten-*
22 *tial threats to the United States, United States forces de-*
23 *ployed outside the United States, and other United States*
24 *national security interests that are posed by ballistic mis-*
25 *siles with ranges of 1,500 to 2,500 miles.*

1 **(b) USE OF SPACE-BASED SENSORS INCLUDED.**—*The*
2 *plan shall include—*

3 (1) *potential use of space-based sensors, includ-*
4 *ing the SBIRS Low and SBIRS High systems, Navy*
5 *theater missile defense assets, upgrades of land-based*
6 *theater missile defenses, the airborne laser, and other*
7 *assets available in the European theater; and*

8 (2) *a schedule for ground and flight testing*
9 *against the identified threats.*

10 **(c) REPORT.**—*The Secretary of Defense shall assess the*
11 *plan and, not later than February 15, 2001, shall submit*
12 *to the congressional defense committees a report on the re-*
13 *sults of the assessment.*

14 **SEC. 235. DESIGNATION OF AIRBORNE LASER PROGRAM AS**
15 **A PROGRAM ELEMENT OF BALLISTIC MISSILE**
16 **DEFENSE PROGRAM.**

17 *Section 223(a) of title 10, United States Code, is*
18 *amended by adding at the end the following new paragraph:*

19 “(13) *Airborne Laser program.*”.

20 ***Subtitle D—Other Matters***

21 **SEC. 241. RECOGNITION OF THOSE INDIVIDUALS INSTRU-**
22 **MENTAL TO NAVAL RESEARCH EFFORTS DUR-**
23 **ING THE PERIOD FROM BEFORE WORLD WAR**
24 **II THROUGH THE END OF THE COLD WAR.**

25 **(a) FINDINGS.**—*Congress makes the following findings:*

1 (1) *The contributions of the Nation’s scientific*
2 *community and of science research to the victory of*
3 *the United States and its allies in World War II re-*
4 *sulted in the understanding that science and tech-*
5 *nology are of critical importance to the future secu-*
6 *rity of the Nation.*

7 (2) *Academic institutions and oceanographers*
8 *provided vital support to the Navy and the Marine*
9 *Corps during World War II.*

10 (3) *Congress created the Office of Naval Research*
11 *in the Department of the Navy in 1946 to ensure the*
12 *availability of resources for research in oceanography*
13 *and other fields related to the missions of the Navy*
14 *and Marine Corps.*

15 (4) *The Office of Naval Research of the Depart-*
16 *ment of the Navy, in addition to its support of naval*
17 *research within the Federal Government, has also*
18 *supported the conduct of oceanographic and scientific*
19 *research through partnerships with educational and*
20 *scientific institutions throughout the Nation.*

21 (5) *These partnerships have long been recognized*
22 *as among the most innovative and productive re-*
23 *search partnerships ever established by the Federal*
24 *Government and have resulted in a vast improvement*
25 *in understanding of basic ocean processes and the de-*

1 *velopment of new technologies critical to the security*
2 *and defense of the Nation.*

3 *(b) CONGRESSIONAL RECOGNITION AND APPRECI-*
4 *ATION.—Congress—*

5 *(1) applauds the commitment and dedication of*
6 *the officers, scientists, researchers, students, and ad-*
7 *ministrators who were instrumental to the program of*
8 *partnerships for oceanographic and scientific research*
9 *between the Federal Government and academic insti-*
10 *tutions, including those individuals who helped forge*
11 *that program before World War II, implement it dur-*
12 *ing World War II, and improve it throughout the*
13 *Cold War;*

14 *(2) recognizes that the Nation, in ultimately pre-*
15 *vailing in the Cold War, relied to a significant extent*
16 *on research supported by, and technologies developed*
17 *through, those partnerships and, in particular, on the*
18 *superior understanding of the ocean environment gen-*
19 *erated through that research;*

20 *(3) supports efforts by the Secretary of the Navy*
21 *and the Chief of Naval Research to honor those indi-*
22 *viduals, who contributed so greatly and unselfishly to*
23 *the naval mission and the national defense, through*
24 *those partnerships during the period beginning before*

1 *World War II and continuing through the end of the*
2 *Cold War; and*

3 *(4) expresses appreciation for the ongoing efforts*
4 *of the Office of Naval Research to support oceano-*
5 *graphic and scientific research and the development of*
6 *researchers in those fields, to ensure that such part-*
7 *nerships will continue to make important contribu-*
8 *tions to the defense and the general welfare of the Na-*
9 *tion.*

10 ***TITLE III—OPERATION AND***
11 ***MAINTENANCE***

12 ***Subtitle A—Authorization of***
13 ***Appropriations***

14 ***SEC. 301. OPERATION AND MAINTENANCE FUNDING.***

15 *Funds are hereby authorized to be appropriated for fis-*
16 *cal year 2000 for the use of the Armed Forces and other*
17 *activities and agencies of the Department of Defense for ex-*
18 *penses, not otherwise provided for, for operation and main-*
19 *tenance, in amounts as follows:*

20 *(1) For the Army, \$19,492,617,000.*

21 *(2) For the Navy, \$23,321,809,000.*

22 *(3) For the Marine Corps, \$2,851,678,000.*

23 *(4) For the Air Force, \$22,351,164,000.*

24 *(5) For Defense-wide activities, \$11,673,852,000.*

25 *(6) For the Army Reserve, \$1,565,918,000.*

1 (7) *For the Naval Reserve, \$967,646,000.*

2 (8) *For the Marine Corps Reserve, \$150,469,000.*

3 (9) *For the Air Force Reserve, \$1,890,859,000.*

4 (10) *For the Army National Guard,*
5 *\$3,236,835,000.*

6 (11) *For the Air National Guard,*
7 *\$3,461,875,000.*

8 (12) *For the Defense Inspector General,*
9 *\$144,245,000.*

10 (13) *For the United States Court of Appeals for*
11 *the Armed Forces, \$8,574,000.*

12 (14) *For Environmental Restoration, Army,*
13 *\$389,932,000.*

14 (15) *For Environmental Restoration, Navy,*
15 *\$294,038,000.*

16 (16) *For Environmental Restoration, Air Force,*
17 *\$376,300,000.*

18 (17) *For Environmental Restoration, Defense-*
19 *wide, \$23,412,000.*

20 (18) *For Environmental Restoration, Formerly*
21 *Used Defense Sites, \$186,499,000.*

22 (19) *For Overseas Humanitarian, Disaster, and*
23 *Civic Aid programs, \$55,800,000.*

24 (20) *For Drug Interdiction and Counter-drug*
25 *Activities, Defense-wide, \$841,500,000.*

1 (21) *For the Kaho'olawe Island Conveyance, Re-*
2 *mediation, and Environmental Restoration Trust*
3 *Fund, \$25,000,000.*

4 (22) *For Defense Health Program,*
5 *\$11,571,523,000.*

6 (23) *For Cooperative Threat Reduction pro-*
7 *grams, \$433,400,000.*

8 (24) *For Overseas Contingency Operations*
9 *Transfer Fund, \$4,100,577,000.*

10 **SEC. 302. WORKING CAPITAL FUNDS.**

11 *Funds are hereby authorized to be appropriated for fis-*
12 *cal year 2000 for the use of the Armed Forces and other*
13 *activities and agencies of the Department of Defense for*
14 *providing capital for working capital and revolving funds*
15 *in amounts as follows:*

16 (1) *For the Defense Working Capital Funds,*
17 *\$916,276,000.*

18 (2) *For the National Defense Sealift Fund,*
19 *\$737,109,000.*

20 **SEC. 303. ARMED FORCES RETIREMENT HOME.**

21 *There is hereby authorized to be appropriated for fiscal*
22 *year 2000 from the Armed Forces Retirement Home Trust*
23 *Fund the sum of \$69,832,000 for the operation of the Armed*
24 *Forces Retirement Home, including the United States Sol-*
25 *diers' and Airmen's Home and the Naval Home.*

1 **SEC. 304. TRANSFER FROM NATIONAL DEFENSE STOCKPILE**
2 **TRANSACTION FUND.**

3 (a) *TRANSFER AUTHORITY.*—*To the extent provided in*
4 *appropriations Acts, not more than \$150,000,000 is author-*
5 *ized to be transferred from the National Defense Stockpile*
6 *Transaction Fund to operation and maintenance accounts*
7 *for fiscal year 2000 in amounts as follows:*

8 (1) *For the Army, \$50,000,000.*

9 (2) *For the Navy, \$50,000,000.*

10 (3) *For the Air Force, \$50,000,000.*

11 (b) *TREATMENT OF TRANSFERS.*—*Amounts trans-*
12 *ferred under this section—*

13 (1) *shall be merged with, and be available for the*
14 *same purposes and the same period as, the amounts*
15 *in the accounts to which transferred; and*

16 (2) *may not be expended for an item that has*
17 *been denied authorization of appropriations by Con-*
18 *gress.*

19 (c) *RELATIONSHIP TO OTHER TRANSFER AUTHOR-*
20 *ITY.*—*The transfer authority provided in this section is in*
21 *addition to the transfer authority provided in section 1001.*

1 **Subtitle B—Environmental**
2 **Provisions**

3 **SEC. 311. PAYMENT OF FINES AND PENALTIES IMPOSED**
4 **FOR ENVIRONMENTAL VIOLATIONS.**

5 (a) *ARMY VIOLATIONS.*—Using amounts authorized to
6 be appropriated by section 301(1) for operation and main-
7 tenance for the Army, the Secretary of the Army may pay
8 the following amounts in connection with environmental
9 violations at the following locations:

10 (1) \$993,000 for Walter Reed Army Medical
11 Center, Washington, D.C., in satisfaction of a fine
12 imposed by Region 3 of the Environmental Protection
13 Agency for a supplemental environmental project.

14 (2) \$377,250 for Fort Campbell, Kentucky, in
15 satisfaction of a fine imposed by Region 4 of the En-
16 vironmental Protection Agency for a supplemental en-
17 vironmental project.

18 (3) \$20,701 for Fort Gordon, Georgia, in satis-
19 faction of a fine imposed by the State of Georgia for
20 a supplemental environmental project.

21 (4) \$78,500 for Pueblo Chemical Depot, Colo-
22 rado, in satisfaction of a fine imposed by the State
23 of Colorado for supplemental environmental projects.

1 (5) \$20,000 for *Deseret Chemical Depot, Utah, in*
2 *satisfaction of a fine imposed by the State of Utah for*
3 *a supplemental environmental project.*

4 (b) *NAVY VIOLATIONS.—Using amounts authorized to*
5 *be appropriated by section 301(2) for operation and main-*
6 *tenance for the Navy, the Secretary of the Navy may pay*
7 *not more than the following amounts in connection with*
8 *environmental violations at the following military installa-*
9 *tions:*

10 (1) \$108,800 for *Allegany Ballistics Laboratory,*
11 *West Virginia, in satisfaction of a penalty imposed*
12 *by the West Virginia Division of Environmental Pro-*
13 *tection.*

14 (2) \$5,000 for *Naval Air Station, Corpus Chris-*
15 *ti, Texas, in satisfaction of a penalty imposed by Re-*
16 *gion 6 of the Environmental Protection Agency.*

17 (c) *REDUCTION IN PAYMENT AMOUNTS.—An amount*
18 *specified in subsection (a) or (b) as the authorized payment*
19 *for an environmental violation shall be reduced to reflect*
20 *any amounts previously paid by the Secretary concerned*
21 *in connection with that violation.*

1 **SEC. 312. NECESSITY OF MILITARY LOW-LEVEL FLIGHT**
2 **TRAINING TO PROTECT NATIONAL SECURITY**
3 **AND ENHANCE MILITARY READINESS.**

4 (a) *NECESSITY OF CURRENT TRAINING ROUTES AND*
5 *AREAS.*—*The environmental impact statements completed*
6 *as of the date of the enactment of this Act for each special*
7 *use airspace designated by a military department for the*
8 *performance of low-level training flights, including each*
9 *military training route, slow speed route, military oper-*
10 *ations area, restricted area, or low altitude tactical naviga-*
11 *tion area, are deemed to satisfy the requirements of the Na-*
12 *tional Environmental Policy Act of 1969 (42 U.S.C. 4321*
13 *et seq.) and regulations implementing such law.*

14 (b) *PROTECTING FUTURE FLEXIBILITY OF NET-*
15 *WORK.*—*On and after the date of the enactment of this Act,*
16 *a proposal by a military department to establish or to ex-*
17 *pand or otherwise modify a special use airspace for low-*
18 *level training flights shall be considered separately to deter-*
19 *mine whether the proposal is a major Federal action sig-*
20 *nificantly affecting the quality of the human environment*
21 *for purposes of the National Environmental Policy Act of*
22 *1969.*

1 **SEC. 313. USE OF ENVIRONMENTAL RESTORATION AC-**
2 **COUNTS TO RELOCATE ACTIVITIES FROM DE-**
3 **FENSE ENVIRONMENTAL RESTORATION**
4 **SITES**

5 *Subsection (b) of section 2703 of title 10, United States*
6 *Code, is amended to read as follows:*

7 “(b) *OBLIGATION OF AUTHORIZED AMOUNTS.—(1)*
8 *Funds authorized for deposit in an account under sub-*
9 *section (a) may be obligated or expended from the account*
10 *only—*

11 *“(A) to carry out the environmental restoration*
12 *functions of the Secretary of Defense and the Secre-*
13 *taries of the military departments under this chapter*
14 *and under any other provision of law; and*

15 *“(B) to relocate activities from defense sites, in-*
16 *cluding sites formerly used by the Department of De-*
17 *fense that are released from Federal Government con-*
18 *trol, at which the Secretary is responsible for environ-*
19 *mental restoration functions.*

20 *“(2) The authority provided by paragraph (1)(B) ex-*
21 *pires September 30, 2003. Not more than five percent of*
22 *the funds deposited in an account under subsection (a) for*
23 *a fiscal year may be used for activities under paragraph*
24 *(1)(B).*

25 *“(3) If relocation assistance under paragraph (1)(B)*
26 *is to be provided with respect to a site formerly used by*

1 *the Department of Defense, but now released from Federal*
 2 *Government control, the Secretary of Defense or the Sec-*
 3 *retary of the military department concerned may use only*
 4 *fund transfer mechanisms otherwise available to the Sec-*
 5 *retary. The Secretary may not provide assistance under*
 6 *such paragraph for permanent relocation from the affected*
 7 *site unless the Secretary determines that permanent reloca-*
 8 *tion is the most cost effective method of dealing with the*
 9 *activities located at the affected site and notifies the Con-*
 10 *gress of the determination before providing the assistance.*

11 “(4) Funds authorized for deposit in an account under
 12 subsection (a) shall remain available until expended.”.

13 ***Subtitle C—Commissaries and Non-***
 14 ***appropriated Fund Instrumen-***
 15 ***talities***

16 ***SEC. 321. USE OF APPROPRIATED FUNDS TO COVER OPER-***
 17 ***ATING EXPENSES OF COMMISSARY STORES.***

18 “(a) *IN GENERAL.*—(1) Section 2484 of title 10, United
 19 States Code, is amended to read as follows:

20 ***“§2484. Commissary stores: use of appropriated funds***
 21 ***to cover operating expenses***

22 “(a) *OPERATION OF AGENCY AND SYSTEM.*—Except as
 23 otherwise provided in this title, the operation of the Defense
 24 Commissary Agency and the defense commissary system

1 *may be funded using such amounts as are appropriated for*
2 *such purpose.*

3 “(b) *OPERATING EXPENSES OF COMMISSARY*
4 *STORES.—Appropriated funds may be used to cover the ex-*
5 *penses of operating commissary stores and central product*
6 *processing facilities of the defense commissary system. For*
7 *purposes of this subsection, operating expenses include the*
8 *following:*

9 “(1) *Salaries of employees of the United States,*
10 *host nations, and contractors supporting commissary*
11 *store operations.*

12 “(2) *Utilities.*

13 “(3) *Communications.*

14 “(4) *Operating supplies and services.*

15 “(5) *Second destination transportation costs*
16 *within or outside the United States.*

17 “(6) *Any cost associated with above-store level*
18 *management or other indirect support of a com-*
19 *missary store or a central product processing facility,*
20 *including equipment maintenance and information*
21 *technology costs.”.*

22 (2) *The table of sections at the beginning of chapter*
23 *147 of such title is amended by striking the item relating*
24 *to section 2484 and inserting the following new item:*

 “2484. *Commissary stores: use of appropriated funds to cover operating ex-*
 penses.”.

1 (b) *EFFECTIVE DATE.*—*The amendments made by this*
2 *section shall take effect on October 1, 2001.*

3 **SEC. 322. ADJUSTMENT OF SALES PRICES OF COMMISSARY**
4 **STORE GOODS AND SERVICES TO COVER CER-**
5 **TAIN EXPENSES.**

6 (a) *ADJUSTMENT REQUIRED.*—*Section 2486 of title*
7 *10, United States Code, is amended—*

8 (1) *in subsection (c), by striking “section 2484(b) or”*
9 *and inserting “subsection (d) or section”; and*

10 (2) *in subsection (d)—*

11 (A) *in paragraph (1), by striking “sections*
12 *2484 and” and inserting “section”; and*

13 (B) *by adding at the end the following new*
14 *paragraph:*

15 “(3) *The sales price of merchandise and services sold*
16 *in, at, or by commissary stores shall be adjusted to cover*
17 *the following:*

18 “(A) *The cost of first destination commercial*
19 *transportation of the merchandise in the United*
20 *States to the place of sale.*

21 “(B) *The actual or estimated cost of shrinkage,*
22 *spoilage, and pilferage of merchandise under the con-*
23 *trol of commissary stores.”.*

24 (b) *EFFECTIVE DATE.*—*The amendments made by this*
25 *section shall take effect on October 1, 2001.*

1 **SEC. 323. USE OF SURCHARGES FOR CONSTRUCTION AND**
2 **IMPROVEMENT OF COMMISSARY STORES.**

3 (a) *EXPANSION OF AUTHORIZED USES.*—Subsection
4 (b) of section 2685 of title 10, United States Code, is amend-
5 ed to read as follows:

6 “(b) *USE FOR CONSTRUCTION, REPAIR, IMPROVE-*
7 *MENT, AND MAINTENANCE.*—(1) *The Secretary of Defense*
8 *may use the proceeds from the adjustments or surcharges*
9 *authorized by subsection (a) only—*

10 “(A) *to acquire (including acquisition by lease),*
11 *construct, convert, expand, improve, repair, main-*
12 *tain, and equip the physical infrastructure of com-*
13 *missary stores and central product processing facili-*
14 *ties of the defense commissary system; and*

15 “(B) *to cover environmental evaluation and con-*
16 *struction costs, including surveys, administration,*
17 *overhead, planning, and design, related to activities*
18 *described in paragraph (1).*

19 “(2) *In paragraph (1), the term ‘physical infrastruc-*
20 *ture’ includes real property, utilities, and equipment (in-*
21 *stalled and free standing and including computer equip-*
22 *ment), necessary to provide a complete and usable com-*
23 *missary store or central product processing facility.’.*”

24 (b) *AUTHORITY OF SECRETARY OF DEFENSE.*—Such
25 section is further amended—

1 (1) *in subsection (a), by striking “Secretary of*
2 *a military department, under regulations established*
3 *by him and approved by the Secretary of Defense,”*
4 *and inserting “Secretary of Defense”;*

5 (2) *in subsection (c)—*

6 (A) *by striking “Secretary of a military de-*
7 *partment, with the approval of the Secretary of*
8 *Defense and” and inserting “Secretary of De-*
9 *fense, with the approval of”;* and

10 (B) *by striking “Secretary of the military*
11 *department determines” and inserting “Sec-*
12 *retary determines”;* and

13 (3) *in subsection (d), by striking “Secretary of*
14 *a military department” and inserting “Secretary of*
15 *Defense”.*

16 (c) *EFFECTIVE DATE.—The amendment made by sub-*
17 *section (a) shall take effect on October 1, 2001.*

18 **SEC. 324. INCLUSION OF MAGAZINES AND OTHER PERIODI-**
19 **CALS AS AN AUTHORIZED COMMISSARY MER-**
20 **CHANDISE CATEGORY.**

21 (a) *ADDITIONAL AUTHORIZED CATEGORY.—Sub-*
22 *section (b) of section 2486 of title 10, United States Code,*
23 *is amended—*

24 (1) *by redesignating paragraph (11) as para-*
25 *graph (12); and*

1 (2) by inserting after paragraph (10) the fol-
2 lowing new paragraph:

3 “(11) Magazines and other periodicals.”.

4 (b) *CONFORMING AMENDMENTS.*—Subsection (f) of
5 such section is amended—

6 (1) by striking “(1)” before “Notwithstanding”;

7 (2) by striking “items in the merchandise cat-
8 egories specified in paragraph (2)” and inserting “to-
9 bacco products”; and

10 (3) by striking paragraph (2).

11 **SEC. 325. USE OF MOST ECONOMICAL DISTRIBUTION METH-**
12 **OD FOR DISTILLED SPIRITS.**

13 Section 2488(c) of title 10, United States Code, is
14 amended—

15 (1) by striking paragraph (2); and

16 (2) by redesignating paragraph (3) as para-
17 graph (2).

18 **SEC. 326. REPORT ON EFFECTS OF AVAILABILITY OF SLOT**
19 **MACHINES ON UNITED STATES MILITARY IN-**
20 **STALLATIONS OVERSEAS.**

21 (a) *REPORT REQUIRED.*—Not later than March 31,
22 2001, the Secretary of Defense shall submit to Congress a
23 report evaluating the effect that the ready availability of
24 slot machines as a morale, welfare, and recreation activity
25 on United States military installations outside of the

1 *United States has on members of the Armed Forces, their*
2 *dependents, and other persons who use such slot machines,*
3 *the morale of military communities overseas, and the per-*
4 *sonal financial stability of members of the Armed Forces.*

5 (b) *MATTERS TO BE INCLUDED.*—*The Secretary shall*
6 *include in the report—*

7 (1) *an estimate of the number of persons who*
8 *used such slot machines during the preceding two*
9 *years and, of such persons, the percentage who were*
10 *enlisted members (shown both in the aggregate and by*
11 *pay grade), officers (shown both in the aggregate and*
12 *by pay grade), Department of Defense civilians, other*
13 *United States persons, and foreign nationals;*

14 (2) *to the extent feasible, information with re-*
15 *spect to military personnel referred to in paragraph*
16 *(1) showing the number (as a percentage and by pay*
17 *grade) who have—*

18 (A) *sought financial services counseling at*
19 *least partially due to the use of such slot ma-*
20 *chines;*

21 (B) *qualified for Government financial as-*
22 *sistance at least partially due to the use of such*
23 *slot machines; or*

24 (C) *had a personal check returned for insuf-*
25 *ficient funds or received any other nonpayment*

1 *notification from a creditor at least partially*
 2 *due to the use of such slot machines; and*
 3 (3) *to the extent feasible, information with re-*
 4 *spect to the average amount expended by each cat-*
 5 *egory of persons referred to in paragraph (1) in using*
 6 *such slot machines per visit, to be shown by pay*
 7 *grade in the case of military personnel.*

8 ***Subtitle D—Performance of***
 9 ***Functions by Private-Sector Sources***

10 ***SEC. 331. INCLUSION OF ADDITIONAL INFORMATION IN RE-***
 11 ***PORTS TO CONGRESS REQUIRED BEFORE***
 12 ***CONVERSION OF COMMERCIAL OR INDUS-***
 13 ***TRIAL TYPE FUNCTIONS TO CONTRACTOR***
 14 ***PERFORMANCE.***

15 (a) *INFORMATION REQUIRED BEFORE COMMENCE-*
 16 *MENT OF CONVERSION ANALYSIS.*—*Subsection (b)(1)(D) of*
 17 *section 2461 of title 10, United States Code, is amended*
 18 *by inserting before the period the following: “, and a certifi-*
 19 *cation that funds are specifically budgeted to pay for the*
 20 *cost of the analysis”.*

21 (b) *INFORMATION REQUIRED IN NOTIFICATION OF DE-*
 22 *CISION.*—*Subsection (c)(1) of such section is amended—*
 23 (1) *by redesignating subparagraphs (A), (B),*
 24 *(C), (D), and (E) as subparagraphs (B), (C), (D),*
 25 *(F), and (G), respectively;*

1 (2) *by inserting before subparagraph (B), as so*
2 *redesignated, the following new subparagraph:*

3 “(A) *The date when the analysis of that commer-*
4 *cial or industrial type function for possible change to*
5 *performance by the private sector was commenced.”;*
6 *and*

7 (3) *by inserting after subparagraph (D), as so*
8 *redesignated, the following new subparagraph:*

9 “(E) *The number of Department of Defense civil-*
10 *ian employees who were performing the function when*
11 *the analysis was commenced and the number of such*
12 *employees whose employment was terminated or oth-*
13 *erwise adversely affected in implementing the most ef-*
14 *ficent organization of the function or whose employ-*
15 *ment will be terminated or otherwise adversely af-*
16 *ected by the change to performance of the function by*
17 *the private sector.”.*

18 **SEC. 332. LIMITATION ON USE OF FUNDS FOR NAVY MARINE**

19 **CORPS INTRANET CONTRACT.**

20 (a) *IN GENERAL.*—None of the funds authorized to be
21 *appropriated for fiscal year 2001 for the Department of the*
22 *Navy may be obligated or expended to carry out a Navy*
23 *Marine Corps Intranet contract until the date that is 60*
24 *days after the date that the Secretary submits to Congress*
25 *the following information:*

1 (1) *Outcome-oriented performance measures re-*
2 *garding such contract.*

3 (2) *A description of the alternatives considered to*
4 *such contract, and the factors relied on in deter-*
5 *mining not to pursue such alternatives.*

6 (3) *A description of the baseline of current costs*
7 *to the Department of the Navy for performing infor-*
8 *mation technology services that would be carried out*
9 *under such contract and current mission capability*
10 *regarding such services.*

11 (4) *An analysis of how civilian and military*
12 *personnel who currently perform information tech-*
13 *nology functions would be impacted by such contract,*
14 *including a description of—*

15 (A) *the number such personnel currently*
16 *performing such functions at the Echelon I level;*

17 (B) *the number of such personnel who*
18 *would no longer perform such functions as a re-*
19 *sult of the Navy Marine Corps Intranet contract,*
20 *and what functions such personnel would per-*
21 *form after the implementation of such contract;*
22 *and*

23 (C) *whether a reduction in force would be*
24 *necessary as a result of such contract.*

1 (5) *A complete funding profile with respect to*
2 *such contract, including a description of—*

3 (A) *the amount of funds obligated or ex-*
4 *pended in fiscal years 1999 and 2000 for infor-*
5 *mation technology at the Echelon I level, and*
6 *from what accounts such funds were obligated or*
7 *expended; and*

8 (B) *the accounts from which funds would be*
9 *used for the purpose of carrying out a Navy Ma-*
10 *rine Corps Intranet contract in fiscal year 2001*
11 *and throughout the period of the future-years de-*
12 *fense plan of the Department of Defense.*

13 (6) *A risk assessment which—*

14 (A) *describes the probability of achieving*
15 *cost, schedule, and performance goals with re-*
16 *spect to such contract;*

17 (B) *categorizes all identified risks in terms*
18 *of the likelihood of occurrence and potential im-*
19 *pact of such risks; and*

20 (C) *establishes a plan for mitigation of each*
21 *risk that is identified as of high importance.*

22 (7) *A certification that, beginning in fiscal year*
23 *2002, the Department of the Navy will comply with*
24 *the requirements in OMB Circular A-11.*

1 *agencies assistance (as defined in subsection (d)(1)) to local*
2 *educational agencies.*

3 (b) *NOTIFICATION.*—*Not later than June 30, 2001, the*
4 *Secretary of Defense shall notify each local educational*
5 *agency that is eligible for educational agencies assistance*
6 *for fiscal year 2001 of—*

7 (1) *that agency’s eligibility for educational agen-*
8 *cies assistance; and*

9 (2) *the amount of the educational agencies assist-*
10 *ance for which that agency is eligible.*

11 (c) *DISBURSEMENT OF FUNDS.*—*The Secretary of De-*
12 *fense shall disburse funds made available under subsection*
13 *(a) not later than 30 days after the date on which notifica-*
14 *tion to the eligible local educational agencies is provided*
15 *pursuant to subsection (b).*

16 (d) *DEFINITIONS.*—*In this section:*

17 (1) *The term “educational agencies assistance”*
18 *means assistance authorized under section 386(b) of*
19 *the National Defense Authorization Act for Fiscal*
20 *Year 1993 (Public Law 102–484; 20 U.S.C. 7703*
21 *note).*

22 (2) *The term “local educational agency” has the*
23 *meaning given that term in section 8013(9) of the El-*
24 *ementary and Secondary Education Act of 1965 (20*
25 *U.S.C. 7713(9)).*

1 **SEC. 342. ELIGIBILITY FOR ATTENDANCE AT DEPARTMENT**
2 **OF DEFENSE DOMESTIC DEPENDENT ELE-**
3 **MENTARY AND SECONDARY SCHOOLS.**

4 *Section 2164(c) of title 10, United States Code, is*
5 *amended—*

6 *(1) in the subsection heading, by inserting “AND*
7 *OTHER PERSONS” after “EMPLOYEES”; and*

8 *(2) by adding at the end the following new para-*
9 *graph:*

10 *“(3)(A) The Secretary may authorize the dependent of*
11 *an American Red Cross employee described in subpara-*
12 *graph (B) to enroll in an education program provided by*
13 *the Secretary pursuant to subsection (a) if the American*
14 *Red Cross agrees to reimburse the Secretary for the edu-*
15 *cational services so provided.*

16 *“(B) An employee referred to in subparagraph (A) is*
17 *an American Red Cross employee who—*

18 *“(i) resides in Puerto Rico; and*

19 *“(ii) performs, on a full-time basis, emergency*
20 *services on behalf of members of the armed forces.*

21 *“(C) Amounts received under this paragraph as reim-*
22 *bursement for educational services shall be treated in the*
23 *same manner as amounts received under subsection (g).”.*

1 **Subtitle F—Military Readiness**
2 **Issues**

3 **SEC. 351. ADDITIONAL CAPABILITIES OF, AND REPORTING**
4 **REQUIREMENTS FOR, THE READINESS RE-**
5 **PORTING SYSTEM.**

6 (a) *MEASURING CANNIBALIZATION OF PARTS, SUP-*
7 *PLIES, AND EQUIPMENT.*—Subsection (c) of section 117 of
8 *title 10, United States Code, is amended by adding at the*
9 *end the following new paragraph:*

10 “(7) *Measure, on a quarterly basis, the extent to*
11 *which units of the armed forces remove serviceable*
12 *parts, supplies, or equipment from one vehicle, vessel,*
13 *or aircraft in order to render a different vehicle, ves-*
14 *sel, or aircraft operational.”.*

15 (b) *FUNDING TO ADDRESS DEFICIENCIES.*—Sub-
16 *section (e) of such section is amended—*

17 (1) *by inserting “(1)” before “The Secretary”;*

18 (2) *by striking “Each such report” and inserting*
19 *the following:*

20 “(3) *Each report under this subsection*”; and

21 (3) *by inserting after the first sentence the fol-*
22 *lowing new paragraph:*

23 “(2) *The monthly report submitted under paragraph*
24 *(1) that covers the first quarter of the then current fiscal*
25 *year shall also include a description of the funding proposed*

1 *in the President’s budget for the next fiscal year, and for*
2 *the subsequent fiscal years covered by the most recent fu-*
3 *ture-years defense program submitted under section 221 of*
4 *this title, to address each deficiency in readiness identified*
5 *during the joint readiness review conducted for the first*
6 *quarter of the current fiscal year.”.*

7 **SEC. 352. REPORTING REQUIREMENTS REGARDING TRANS-**
8 **FERS FROM HIGH-PRIORITY READINESS AP-**
9 **PROPRIATIONS.**

10 (a) *CONTINUATION OF REPORTING REQUIREMENTS.—*
11 *Section 483 of title 10, United States Code, is amended by*
12 *striking subsection (e).*

13 (b) *LEVEL OF DETAIL.—*Subsection (c)(2) of such sec-
14 *tion is amended by inserting before the period the following:*
15 *“, including identification of the sources from which funds*
16 *were transferred into that activity and identification of the*
17 *recipients of the funds transferred out of that activity”.*

18 (c) *ADDITIONAL COVERED BUDGET ACTIVITIES.—*Sub-
19 *section (d)(5) of such section is amended by adding at the*
20 *end the following new subparagraphs:*

21 (G) *Combat Enforcement Forces.*

22 (H) *Combat Communications.”.*

1 **SEC. 353. DEPARTMENT OF DEFENSE STRATEGIC PLAN TO**
2 **REDUCE BACKLOG IN MAINTENANCE AND RE-**
3 **PAIR OF DEFENSE FACILITIES.**

4 (a) *PLAN REQUIRED.*—Section 2661 of title 10, United
5 States Code, is amended by adding at the end the following
6 new subsection:

7 “(c) *PLAN TO ADDRESS MAINTENANCE AND REPAIR*
8 *BACKLOG.*—(1) *The Secretary of Defense shall develop, and*
9 *update annually thereafter, a strategic plan to reduce the*
10 *backlog in maintenance and repair needs of facilities and*
11 *infrastructure under the jurisdiction of the Department of*
12 *Defense or a military department. At a minimum, the plan*
13 *shall include or address the following:*

14 “(A) *A comprehensive strategy for the repair and*
15 *revitalization of facilities and infrastructure, or for*
16 *the demolition and replacement of unusable facilities,*
17 *carried as backlog by the Secretary concerned.*

18 “(B) *Measurable goals, over specified time*
19 *frames, for achieving the objectives of the strategy.*

20 “(C) *Expected funding for each military depart-*
21 *ment and Defense Agency to carry out the strategy*
22 *during the period covered by the most recent future-*
23 *years defense program submitted to Congress pursu-*
24 *ant to section 221 of this title.*

25 “(D) *The cost of the current backlog in mainte-*
26 *nance and repair for each military department and*

1 *Defense Agency, which shall be determined using the*
2 *standard costs to standard facility categories in the*
3 *Department of Defense Facilities Cost Factors Hand-*
4 *book, shown both in the aggregate and individually*
5 *for each major military installation.*

6 “(E) *The total number of square feet of building*
7 *space of each military department and Defense Agen-*
8 *cy to be demolished or proposed for demolition under*
9 *the plan, shown both in the aggregate and individ-*
10 *ually for each major military installation.*

11 “(F) *The initiatives underway to identify facil-*
12 *ity and infrastructure requirements at military in-*
13 *stallation to accommodate new and developing weap-*
14 *ons systems and to prepare installations to accommo-*
15 *date these systems.*

16 “(2) *Not later than March 15, 2001, the Secretary shall*
17 *submit the strategic plan to Congress. The annual updates*
18 *shall be submitted to Congress each year at or about the*
19 *time that the President’s budget is submitted to Congress*
20 *that year under section 1105(a) of title 31.”.*

21 (b) *STYLISTIC AMENDMENTS.—Such section is further*
22 *amended—*

23 (1) *in subsection (a), by inserting “AVAIL-*
24 *ABILITY OF OPERATION AND MAINTENANCE FUNDS.—*
25 *” after “(a)”;* and

1 (2) in subsection (b), by inserting “GENERAL
2 LEASING AUTHORITY; MAINTENANCE OF DEFENSE
3 ACCESS ROADS.—” after “(b)”.

4 **Subtitle G—Other Matters**

5 **SEC. 361. AUTHORITY TO ENSURE DEMILITARIZATION OF**
6 **SIGNIFICANT MILITARY EQUIPMENT FOR-**
7 **MERLY OWNED BY THE DEPARTMENT OF DE-**
8 **FENSE.**

9 (a) *AUTHORITY TO REQUIRE DEMILITARIZATION*
10 *AFTER DISPOSAL.*—Chapter 153 of title 10, United States
11 *Code, is amended by inserting after section 2572 the fol-*
12 *lowing new section:*

13 **“§2573. Significant military equipment: continued**
14 **authority to require demilitarization after**
15 **disposal**

16 “(a) *AUTHORITY TO REQUIRE DEMILITARIZATION.*—
17 *The Secretary of Defense may require any person in posses-*
18 *sion of significant military equipment formerly owned by*
19 *the Department of Defense—*

20 “(1) *to demilitarize the equipment,*

21 “(2) *to have the equipment demilitarized by a*
22 *third party; or*

23 “(3) *to return the equipment to the Government*
24 *for demilitarization.*

1 “(b) *COST AND VALIDATION OF DEMILITARIZATION.*—
2 *When the demilitarization of significant military equip-*
3 *ment is carried out by the person in possession of the equip-*
4 *ment pursuant to paragraph (1) or (2) of subsection (a),*
5 *the person shall be solely responsible for all demilitarization*
6 *costs, and the United States shall have the right to validate*
7 *that the equipment has been demilitarized.*

8 “(c) *RETURN OF EQUIPMENT TO GOVERNMENT.*—
9 *When the Secretary of Defense requires the return of signifi-*
10 *cant military equipment for demilitarization by the Gov-*
11 *ernment, the Secretary shall bear all costs to transport and*
12 *demilitarize the equipment. If the person in possession of*
13 *the significant military equipment obtained the property*
14 *in the manner authorized by law or regulation and the Sec-*
15 *retary determines that the cost to demilitarize and return*
16 *the property to the person is prohibitive, the Secretary shall*
17 *reimburse the person for the purchase cost of the property*
18 *and for the reasonable transportation costs incurred by the*
19 *person to purchase the equipment.*

20 “(d) *ESTABLISHMENT OF DEMILITARIZATION STAND-*
21 *ARDS.*—*The Secretary of Defense shall prescribe by regula-*
22 *tion what constitutes demilitarization for each type of sig-*
23 *nificant military equipment.*

24 “(e) *EXCEPTION FOR GOVERNMENT CONTRACTS.*—
25 *This section does not apply when a person is in possession*

1 *of significant military equipment formerly owned by the*
2 *Department of Defense for the purpose of demilitarizing the*
3 *equipment pursuant to a Government contract.*

4 “(f) *DEFINITION OF SIGNIFICANT MILITARY EQUIP-*
5 *MENT.—In this section, the term ‘significant military*
6 *equipment’ means—*

7 “(1) *an article for which special export controls*
8 *are warranted under the Arms Export Control Act*
9 *(22 U.S.C. 2751 et seq.) because of its capacity for*
10 *substantial military utility or capability, as identi-*
11 *fied on the United States Munitions List maintained*
12 *under section 121.1 of title 22, Code of Federal Regu-*
13 *lations; and*

14 “(2) *any other article designated by the Depart-*
15 *ment of Defense as requiring demilitarization before*
16 *its disposal.”.*

17 “(b) *CLERICAL AMENDMENT.—The table of sections at*
18 *the beginning of such chapter is amended by inserting after*
19 *the item relating to section 2572 the following new item:*

 “2573. *Significant military equipment: continued authority to require demilitarization after disposal.”.*

1 **SEC. 362. ANNUAL REPORT ON PUBLIC SALE OF CERTAIN**
2 **MILITARY EQUIPMENT IDENTIFIED ON**
3 **UNITED STATES MUNITIONS LIST.**

4 (a) *ANNUAL REPORT REQUIRED.*—Chapter 153 of title
5 10, United States Code, is amended by adding at the end
6 the following new section:

7 **“§2582. Military equipment identified on United**
8 **States munitions list: annual report of**
9 **public sales**

10 “(a) *REPORT REQUIRED.*—The Secretary of Defense
11 shall prepare an annual report identifying each public sale
12 conducted by a military department or Defense Agency of
13 military items that are—

14 “(1) *identified on the United States Munitions*
15 *List maintained under section 121.1 of title 22, Code*
16 *of Federal Regulations; and*

17 “(2) *assigned a demilitarization code of ‘B’ or*
18 *its equivalent.*

19 “(b) *ELEMENTS OF REPORT.*—(1) *A report under this*
20 *section shall cover all public sales described in subsection*
21 *(a) that were conducted during the preceding fiscal year.*

22 “(2) *The report shall specify the following for each sale:*

23 “(A) *The date of the sale.*

24 “(B) *The military department or Defense Agency*
25 *conducting the sale.*

1 *istered with the Chief Information Officer of the Depart-*
2 *ment of Defense.*

3 (b) *MANNER OF REGISTRATION.*—*A system shall be*
4 *considered to be registered with the Chief Information Offi-*
5 *cer upon the furnishing to that officer of notice of the sys-*
6 *tem, together with such information concerning the system*
7 *as the Secretary of Defense may prescribe.*

8 (c) *QUARTERLY UPDATES.*—*In the case of each infor-*
9 *mation technology system registered pursuant to this sec-*
10 *tion, the information required under subsection (b) to be*
11 *submitted as part of the registration shall be updated on*
12 *not less than a quarterly basis.*

13 (d) *COVERED INFORMATION TECHNOLOGY SYSTEMS.*—
14 *An information technology system shall be considered to be*
15 *a mission critical or mission essential information tech-*
16 *nology system for purposes of this section as defined by the*
17 *Secretary of Defense.*

18 (e) *DEFINITIONS.*—*For purposes of this section:*

19 (1) *The term “Chief Information Officer” means*
20 *the senior official of the Department of Defense des-*
21 *ignated by the Secretary of Defense pursuant to sec-*
22 *tion 3506 of title 44, United States Code.*

23 (2) *The term “information technology system”*
24 *has the meaning given the term “information tech-*

1 nology” in section 5002 of the Clinger-Cohen Act of
2 1996 (40 U.S.C. 1401).

3 **SEC. 364. STUDIES AND REPORTS REQUIRED AS PRE-**
4 **CONDITION TO CERTAIN MANPOWER REDUC-**
5 **TIONS.**

6 (a) *REQUIRED STUDIES AND REPORTS.*—Chapter 146
7 of title 10, United States Code, is amended by adding at
8 the end the following new section:

9 **“§2475. Consolidation of functions or activities and**
10 **reengineering or restructuring of organi-**
11 **zations, functions, or activities: required**
12 **studies and reports before manpower re-**
13 **ductions**

14 “(a) *REPORTING AND ANALYSIS REQUIREMENTS AS*
15 *PRECONDITION TO MANPOWER REDUCTIONS.*—The Sec-
16 *retary of Defense may not initiate manpower reductions at*
17 *organizations or activities, or within functions, that are*
18 *commercial, commercial exempt from competition, military*
19 *essential, or inherently governmental until the Secretary*
20 *fully complies with the reporting and analysis requirements*
21 *specified in subsections (b) and (c).*

22 “(b) *NOTIFICATION AND ELEMENTS OF ANALYSIS.*—
23 *Before commencing to analyze any commercial, commercial*
24 *exempt from competition, military essential, or inherently*
25 *governmental organization, function, or activity for the*

1 *consolidation, restructuring, or reengineering of military*
2 *personnel or Department of Defense civilian employees, the*
3 *Secretary of Defense shall submit to Congress a report con-*
4 *taining the following:*

5 “(1) *The organization, function, or activity to be*
6 *analyzed for possible consolidation, restructuring, or*
7 *reengineering.*

8 “(2) *The location or locations at which military*
9 *personnel or Department of Defense civilian employ-*
10 *ees would be affected.*

11 “(3) *The number of military personnel or De-*
12 *partment of Defense civilian employee positions po-*
13 *tentially affected.*

14 “(4) *A description of the organization, function,*
15 *or activity to be analyzed for possible consolidation,*
16 *restructuring, or reengineering, including a descrip-*
17 *tion of all missions, duties, or military requirements*
18 *that might be affected.*

19 “(5) *An examination of the cost incurred by the*
20 *Department of Defense to perform the function or to*
21 *operate the organization or activity that will be ana-*
22 *lyzed.*

23 “(6) *A certification that a proposed consolida-*
24 *tion, restructuring, or reengineering of a commercial,*
25 *commercial exempt from competition, military essen-*

1 *tial, or inherently governmental organization, func-*
2 *tion, or activity is not a result of a decision by an*
3 *official of a military department or Defense Agency*
4 *to impose predetermined constraints or limitations on*
5 *the number of military personnel or Department of*
6 *Defense civilian employees.*

7 *“(c) NOTIFICATION OF DECISION.—If, as a result of*
8 *the completion of an analysis carried out consistent with*
9 *the requirements of subsection (b), a decision is made to*
10 *consolidate, restructure, or reengineer an organization,*
11 *function, or activity, the Secretary of Defense shall submit*
12 *to the Committee on Armed Services of the House of Rep-*
13 *resentatives and the Committee on Armed Services of the*
14 *Senate a report describing that decision. The report shall*
15 *contain the following:*

16 *“(1) The Secretary’s certification that the con-*
17 *solidation, restructuring, or reengineering that was*
18 *analyzed will yield savings to the Department of De-*
19 *fense.*

20 *“(2) A projection of the savings that will be real-*
21 *ized as a result of the consolidation, restructuring, or*
22 *reengineering, compared with the cost incurred by the*
23 *Department of Defense to perform the function or to*
24 *operate the organization or activity prior to such pro-*
25 *posed consolidation, restructuring, or reengineering.*

1 “(3) *A description of all missions, duties, or*
2 *military requirements that will be affected as a result*
3 *of the decision to consolidate, restructure, or reengi-*
4 *neer the organization, function, or activity that was*
5 *analyzed.*

6 “(4) *The Secretary’s certification that the con-*
7 *solidation, restructuring or reengineering will not re-*
8 *sult in any diminution of military readiness.*

9 “(5) *A schedule for performing the consolidation,*
10 *restructuring or reengineering.*

11 “(6) *The Secretary’s certification that the entire*
12 *analysis is available for examination.*

13 “(d) *DELEGATION.—The responsibility to prepare re-*
14 *ports under subsections (b) and (c) may be delegated to the*
15 *Deputy Under Secretary of Defense for Installations.*

16 “(e) *COMMENCEMENT; WAIVER FOR SMALL FUNC-*
17 *TIONS.—(1) The consolidation, restructuring, or re-*
18 *engineering of an organization, function, or activity for*
19 *which a report is required under subsection (c) shall not*
20 *begin until at least 45 days after the submission of the re-*
21 *port to the Committee on Armed Services of the House of*
22 *Representatives and the Committee on Armed Services of*
23 *the Senate.*

24 “(2) *Subsection (c) shall not apply to a consolidation,*
25 *restructuring, or reengineering that will result in the elimi-*

1 *nation of 10 or fewer military or Department of Defense*
2 *civilian employee positions.*

3 “(f) *COMPTROLLER GENERAL REVIEW.*—Not later
4 *than March 1 of each year, the Comptroller General shall*
5 *submit to Congress a report reviewing decisions taken by*
6 *the Secretary of Defense to consolidate, restructure, or re-*
7 *engineer organizations, functions, or activities during the*
8 *previous year and assessing the Secretary’s compliance with*
9 *this section. The report shall include a detailed assessment*
10 *by the Comptroller General of whether the savings projected*
11 *by the Secretary to result from such decisions are likely to*
12 *be realized, and whether any decision taken by the Sec-*
13 *retary is likely to result in a diminution of military readi-*
14 *ness. The report shall also include detailed audits of selected*
15 *analyses performed by the Secretary.*

16 “(g) *RELATION TO OTHER LAW.*—Nothing in this sec-
17 *tion shall be construed to obviate the requirements set forth*
18 *in section 1597 of this title.”.*

19 “(b) *CLERICAL AMENDMENT.*—The table of sections at
20 *the beginning of such chapter is amended by adding at the*
21 *end the following new item:*

“2475. *Consolidation of functions or activities and reengineering or restructuring*
of organizations, functions, or activities: required studies and re-
ports before manpower reductions.”.

1 **SEC. 365. NATIONAL GUARD ASSISTANCE FOR CERTAIN**
2 **YOUTH AND CHARITABLE ORGANIZATIONS.**

3 *Section 508 of title 32, United States Code, is*
4 *amended—*

5 *(1) in subsection (b)(2), by inserting “or any*
6 *other youth or charitable organization designated by*
7 *the Secretary of Defense” after “Special Olympics”;*
8 *and*

9 *(2) in subsection (d)(1)—*

10 *(A) by redesignating paragraph (14) as*
11 *paragraph (15); and*

12 *(B) by inserting after paragraph (13) the*
13 *following new paragraph (14):*

14 *“(14) Reach For Tomorrow.”.*

15 **TITLE IV—MILITARY PERSONNEL**
16 **AUTHORIZATIONS**
17 **Subtitle A—Active Forces**

18 **SEC. 401. END STRENGTHS FOR ACTIVE FORCES.**

19 *The Armed Forces are authorized strengths for active*
20 *duty personnel as of September 30, 2001, as follows:*

21 *(1) The Army, 480,000.*

22 *(2) The Navy, 372,642.*

23 *(3) The Marine Corps, 172,600.*

24 *(4) The Air Force, 357,000.*

1 **SEC. 402. REVISION IN PERMANENT END STRENGTH MIN-**
2 **IMUM LEVELS.**

3 (a) *REVISED END STRENGTH FLOORS.*—Section
4 691(b) of title 10, United States Code, is amended—

5 (1) in paragraph (2), by striking “371,781” and
6 inserting “372,000”;

7 (2) in paragraph (3), by striking “172,148” and
8 inserting “172,600”; and

9 (3) in paragraph (4), by striking “360,877” and
10 inserting “357,000”.

11 (b) *EFFECTIVE DATE.*—The amendments made by sub-
12 section (a) shall take effect on October 1, 2000.

13 **SEC. 403. ADJUSTMENT TO END STRENGTH FLEXIBILITY**
14 **AUTHORITY.**

15 Section 691(e) of title 10, United States Code, is
16 amended by inserting “or greater than” after “identical to”.

17 **Subtitle B—Reserve Forces**

18 **SEC. 411. END STRENGTHS FOR SELECTED RESERVE.**

19 (a) *IN GENERAL.*—The Armed Forces are authorized
20 strengths for Selected Reserve personnel of the reserve com-
21 ponents as of September 30, 2001, as follows:

22 (1) *The Army National Guard of the United*
23 *States, 350,526.*

24 (2) *The Army Reserve, 205,300.*

25 (3) *The Naval Reserve, 88,900.*

26 (4) *The Marine Corps Reserve, 39,558.*

1 (5) *The Air National Guard of the United*
2 *States, 108,000.*

3 (6) *The Air Force Reserve, 74,358.*

4 (7) *The Coast Guard Reserve, 8,000.*

5 (b) *ADJUSTMENTS.—The end strengths prescribed by*
6 *subsection (a) for the Selected Reserve of any reserve compo-*
7 *nent shall be proportionately reduced by—*

8 (1) *the total authorized strength of units orga-*
9 *nized to serve as units of the Selected Reserve of such*
10 *component which are on active duty (other than for*
11 *training) at the end of the fiscal year; and*

12 (2) *the total number of individual members not*
13 *in units organized to serve as units of the Selected*
14 *Reserve of such component who are on active duty*
15 *(other than for training or for unsatisfactory partici-*
16 *pation in training) without their consent at the end*
17 *of the fiscal year.*

18 *Whenever such units or such individual members are re-*
19 *leased from active duty during any fiscal year, the end*
20 *strength prescribed for such fiscal year for the Selected Re-*
21 *serve of such reserve component shall be proportionately in-*
22 *creased by the total authorized strengths of such units and*
23 *by the total number of such individual members.*

1 **SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE**
2 **DUTY IN SUPPORT OF THE RESERVES.**

3 *Within the end strengths prescribed in section 411(a),*
4 *the reserve components of the Armed Forces are authorized,*
5 *as of September 30, 2001, the following number of Reserves*
6 *to be serving on full-time active duty or full-time duty, in*
7 *the case of members of the National Guard, for the purpose*
8 *of organizing, administering, recruiting, instructing, or*
9 *training the reserve components:*

10 (1) *The Army National Guard of the United*
11 *States, 22,974.*

12 (2) *The Army Reserve, 13,106.*

13 (3) *The Naval Reserve, 14,649.*

14 (4) *The Marine Corps Reserve, 2,261.*

15 (5) *The Air National Guard of the United*
16 *States, 11,148.*

17 (6) *The Air Force Reserve, 1,336.*

18 **SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS**
19 **(DUAL STATUS).**

20 *The minimum number of military technicians (dual*
21 *status) as of the last day of fiscal year 2001 for the reserve*
22 *components of the Army and the Air Force (notwith-*
23 *standing section 129 of title 10, United States Code) shall*
24 *be the following:*

25 (1) *For the Army Reserve, 5,921.*

1 (2) *For the Army National Guard of the United*
 2 *States, 23,129.*

3 (3) *For the Air Force Reserve, 9,785.*

4 (4) *For the Air National Guard of the United*
 5 *States, 22,247.*

6 **SEC. 414. INCREASE IN NUMBERS OF MEMBERS IN CERTAIN**
 7 **GRADES AUTHORIZED TO BE ON ACTIVE**
 8 **DUTY IN SUPPORT OF THE RESERVES.**

9 (a) *OFFICERS.—The table in section 12011(a) of title*
 10 *10, United States Code, is amended to read as follows:*

<i>Grade</i>	<i>Army</i>	<i>Navy</i>	<i>Air Force</i>	<i>Marine Corps</i>
<i>Major or Lieutenant Commander</i>	3,405	1,071	998	140
<i>Lieutenant Colonel or Commander</i>	1,830	520	859	90
<i>Colonel or Navy Captain</i>	547	188	317	30".

11 (b) *SENIOR ENLISTED MEMBERS.—The table in sec-*
 12 *tion 12012(a) of such title is amended to read as follows:*

<i>Grade</i>	<i>Army</i>	<i>Navy</i>	<i>Air Force</i>	<i>Marine Corps</i>
<i>E-9</i>	866	202	502	20
<i>E-8</i>	2,966	429	1,131	94".

13 (c) *EFFECTIVE DATE.—The amendments made by this*
 14 *section shall take effect on October 1, 2000.*

15 **Subtitle C—Authorization of**
 16 **Appropriations**

17 **SEC. 421. AUTHORIZATION OF APPROPRIATIONS FOR MILI-**
 18 **TARY PERSONNEL.**

19 *There is hereby authorized to be appropriated to the*
 20 *Department of Defense for military personnel for fiscal year*

1 2001 a total of \$75,801,666,000. The authorization in the
2 preceding sentence supersedes any other authorization of
3 appropriations (definite or indefinite) for such purpose for
4 fiscal year 2001.

5 **TITLE V—MILITARY PERSONNEL**
6 **POLICY**

7 **Subtitle A—General Personnel**
8 **Management Authorities**

9 **SEC. 501. AUTHORITY FOR SECRETARY OF DEFENSE TO**
10 **SUSPEND CERTAIN PERSONNEL STRENGTH**
11 **LIMITATIONS DURING WAR OR NATIONAL**
12 **EMERGENCY.**

13 (a) **SENIOR ENLISTED MEMBERS ON ACTIVE DUTY.**—
14 Section 517 of title 10, United States Code, is amended by
15 adding at the end the following new subsection:

16 “(c) Whenever under section 527 of this title the Presi-
17 dent may suspend the operation of any provision of section
18 523, 525, or 526 of this title, the Secretary of Defense may
19 suspend the operation of any provision of this section. Any
20 such suspension shall, if not sooner ended, end in the man-
21 ner specified in section 527 for a suspension under that sec-
22 tion.”.

23 (b) **FIELD GRADE RESERVE COMPONENT OFFICERS.**—
24 Section 12011 of such title is amended by adding at the
25 end the following new subsection:

1 “(c) Whenever under section 527 of this title the Presi-
2 dent may suspend the operation of any provision of section
3 523, 525, or 526 of this title, the Secretary of Defense may
4 suspend the operation of any provision of this section. Any
5 such suspension shall, if not sooner ended, end in the man-
6 ner specified in section 527 for a suspension under that sec-
7 tion.”.

8 (c) SENIOR ENLISTED MEMBER IN RESERVE COMPO-
9 NENTS.—Section 12012 of such title is amended by adding
10 at the end the following new subsection:

11 “(c) Whenever under section 527 of this title the Presi-
12 dent may suspend the operation of any provision of section
13 523, 525, or 526 of this title, the Secretary of Defense may
14 suspend the operation of any provision of this section. Any
15 such suspension shall, if not sooner ended, end in the man-
16 ner specified in section 527 for a suspension under that sec-
17 tion.”.

18 **SEC. 502. AUTHORITY TO ISSUE POSTHUMOUS COMMIS-**
19 **SIONS IN THE CASE OF MEMBERS DYING BE-**
20 **FORE OFFICIAL RECOMMENDATION FOR AP-**
21 **POINTMENT OR PROMOTION IS APPROVED BY**
22 **SECRETARY CONCERNED.**

23 (a) REPEAL OF LIMITATION TO DEATHS OCCURRING
24 AFTER SECRETARIAL APPROVAL.—Subsection (a)(3) of sec-
25 tion 1521 of title 10, United States Code, is amended by

1 *striking “and the recommendation for whose appointment*
2 *or promotion was approved by the Secretary concerned”.*

3 (b) *EFFECTIVE DATE OF COMMISSION.*—Subsection (b)
4 *of such section is amended by striking “approval” both*
5 *places it appears and inserting “official recommendation”.*

6 **SEC. 503. TECHNICAL CORRECTION TO RETIRED GRADE**
7 **RULE FOR ARMY AND AIR FORCE OFFICERS.**

8 (a) *ARMY.*—Section 3961(a) of title 10, United States
9 *Code, is amended by striking “or for nonregular service*
10 *under chapter 1223 of this title”.*

11 (b) *AIR FORCE.*—Section 8961(a) of such title is
12 *amended by striking “or for nonregular service under chap-*
13 *ter 1223 of this title”.*

14 (c) *EFFECTIVE DATE.*—The amendments made by sub-
15 *sections (a) and (b) shall apply to Reserve officers who are*
16 *promoted to a higher grade as a result of selection for pro-*
17 *motion under chapter 36 or chapter 1405 of title 10, United*
18 *States Code, or having been found qualified for Federal rec-*
19 *ognition in a higher grade under chapter 3 of title 32,*
20 *United States Code, after October 5, 1994.*

21 **SEC. 504. EXTENSION TO END OF CALENDAR YEAR OF EXPI-**
22 **RATION DATE FOR CERTAIN FORCE DRAW-**
23 **DOWN TRANSITION AUTHORITIES.**

24 (a) *EARLY RETIREMENT AUTHORITY FOR ACTIVE*
25 *FORCE MEMBERS.*—Section 4403(i) of the National Defense

1 *Authorization Act for Fiscal Year 1993 (10 U.S.C. 1293*
2 *note) is amended by striking “October 1, 2001” and insert-*
3 *ing “December 31, 2001”.*

4 (b) *SSB AND VSI.—Sections 1174a(h) and 1175(d)(3)*
5 *of title 10, United States Code, are amended by striking*
6 *“September 30, 2001” and inserting “December 31, 2001”.*

7 (c) *SELECTIVE EARLY RETIREMENT BOARDS.—Sec-*
8 *tion 638a(a) of such title is amended by striking “Sep-*
9 *tember 30, 2001” and inserting “December 31, 2001”.*

10 (d) *TIME-IN-GRADE REQUIREMENT FOR RETENTION*
11 *OF GRADE UPON VOLUNTARY RETIREMENT.—Section*
12 *1370(a)(2)(A) of such title is amended by striking “Sep-*
13 *tember 30, 2001” and inserting “December 31, 2001”.*

14 (e) *MINIMUM COMMISSIONED SERVICE FOR VOL-*
15 *UNTARY RETIREMENT AS AN OFFICER.—Sections 3911(b),*
16 *6323(a)(2), and 8911(b) of such title are amended by strik-*
17 *ing “September 30, 2001” and inserting “December 31,*
18 *2001”.*

19 (f) *TRAVEL, TRANSPORTATION, AND STORAGE BENE-*
20 *FITS.—Sections 404(c)(1)(C), 404(f)(2)(B)(v),*
21 *406(a)(2)(B)(v), and 406(g)(1)(C) of title 37, United States*
22 *Code, and section 503(c) of the National Defense Authoriza-*
23 *tion Act for Fiscal Year 1991 (37 U.S.C. 406 note) are*
24 *amended by striking “September 30, 2001” and inserting*
25 *“December 31, 2001”.*

1 (g) *EDUCATIONAL LEAVE FOR PUBLIC AND COMMU-*
2 *NITY SERVICE.*—Section 4463(f) of the National Defense
3 *Authorization Act for Fiscal Year 1993 (10 U.S.C. 1143a*
4 *note) is amended by striking “September 30, 2001” and in-*
5 *serting “December 31, 2001”.*

6 (h) *TRANSITIONAL HEALTH BENEFITS.*—Subsections
7 (a)(1), (c)(1), and (e) of section 1145 of title 10, United
8 States Code, are amended by striking “September 30, 2001”
9 and inserting “December 31, 2001”.

10 (i) *TRANSITIONAL COMMISSARY AND EXCHANGE BEN-*
11 *EFITS.*—Section 1146 of such title is amended by striking
12 “September 30, 2001” both places it appears and inserting
13 “December 31, 2001”.

14 (j) *TRANSITIONAL USE OF MILITARY HOUSING.*—
15 Paragraphs (1) and (2) of section 1147(a) of such title are
16 amended by striking “September 30, 2001” and inserting
17 “December 31, 2001”.

18 (k) *CONTINUED ENROLLMENT OF DEPENDENTS IN DE-*
19 *FENSE DEPENDENTS’ EDUCATION SYSTEM.*—Section
20 1407(c)(1) of the Defense Dependents’ Education Act of
21 1978 (20 U.S.C. 926(c)(1)) is amended by striking “Sep-

22 *tember 30, 2001” and inserting “December 31, 2001”.*
23 (l) *FORCE REDUCTION TRANSITION PERIOD DEFINI-*
24 *TION.*—Section 4411 of the National Defense Authorization
25 *Act for Fiscal Year 1993 (10 U.S.C. 12681 note) is amended*

1 *by striking “September 30, 2001” and inserting “December*
2 *31, 2001”.*

3 *(m) TEMPORARY SPECIAL AUTHORITY FOR FORCE RE-*
4 *DUCTION PERIOD RETIREMENTS.—Section 4416(b)(1) of*
5 *the National Defense Authorization Act for Fiscal Year*
6 *1993 (10 U.S.C. 12681 note) is amended by striking “Octo-*
7 *ber 1, 2001” and inserting “December 31, 2001”.*

8 *(n) RETIRED PAY FOR NON-REGULAR SERVICE.—(1)*
9 *Section 12731(f) of title 10, United States Code, is amended*
10 *by striking “September 30, 2001” and inserting “December*
11 *31, 2001”.*

12 *(2) Section 12731a of such title is amended in sub-*
13 *sections (a)(1)(B) and (b) by striking “October 1, 2001”*
14 *and inserting “December 31, 2001”.*

15 *(o) REDUCTION OF TIME-IN-GRADE REQUIREMENT*
16 *FOR RETENTION OF GRADE UPON VOLUNTARY RETIRE-*
17 *MENT.—Section 1370(d)(5) of such title is amended by*
18 *striking “September 30, 2001” and inserting “December 31,*
19 *2001”.*

20 *(p) AFFILIATION WITH GUARD AND RESERVE UNITS;*
21 *WAIVER OF CERTAIN LIMITATIONS.—Section 1150(a) of*
22 *such title is amended by striking “September 30, 2001” and*
23 *inserting “December 31, 2001”.*

1 (q) *RESERVE MONTGOMERY GI BILL.*—Section
2 *16133(b)(1)(B)* of such title is amended by striking “Sep-
3 *tember 30, 2001*” and inserting “*December 31, 2001*”.

4 **SEC. 505. CLARIFICATION OF REQUIREMENTS FOR COM-**
5 **POSITION OF ACTIVE-DUTY LIST SELECTION**
6 **BOARDS WHEN RESERVE OFFICERS ARE**
7 **UNDER CONSIDERATION.**

8 (a) *CLARIFICATION.*—Section 612(a) of title 10,
9 *United States Code*, is amended—

10 (1) in paragraph (1)—

11 (A) by striking “*who are on the active-duty*
12 *list*” in the second sentence; and

13 (B) by inserting after the second sentence
14 *the following new sentence: “Each member of a*
15 *selection board (except as provided in para-*
16 *graphs (2), (3), and (4)) shall be an officer on*
17 *the active-duty list.”; and*

18 (2) in paragraph (3)—

19 (A) by striking “*of that armed force, with*
20 *the exact number of reserve officers to be*” and
21 *inserting “of that armed force on active duty*
22 *(whether or not on the active-duty list). The ac-*
23 *tual number of reserve officers shall be”; and*

24 (B) by striking “*his discretion, except that*”
25 *and inserting “the Secretary’s discretion. Not-*

1 *withstanding the first sentence of this para-*
2 *graph,”.*

3 **(b) EFFECTIVE DATE.**—*The amendments made by sub-*
4 *section (a) shall apply to any selection board convened*
5 *under section 611(a) of title 10, United States Code, on or*
6 *after August 1, 1981.*

7 **SEC. 506. VOLUNTARY SEPARATION INCENTIVE.**

8 **(a) AUTHORITY FOR TERMINATION UPON ENTITLE-**
9 **MENT TO RETIRED PAY.**—*Section 1175(e)(3) of title 10,*
10 *United States Code, is amended—*

11 (1) *inserting “(A)” after “(3)”;* and

12 (2) *by adding at the end the following new sub-*
13 *paragraph:*

14 **“(B) If a member is receiving simultaneous voluntary**
15 *separation incentive payments and retired or retainer pay,*
16 *the member may elect to terminate the receipt of voluntary*
17 *separation incentive payments. Any such election is perma-*
18 *nent and irrevocable. The rate of monthly recoupment from*
19 *retired or retainer pay of voluntary separation incentive*
20 *payments received after such an election shall be reduced*
21 *by a percentage that is equal to a fraction with a denomi-*
22 *nator equal to the number of months that the voluntary sep-*
23 *aration incentive payments were scheduled to be paid and*
24 *a numerator equal to the number of months that would not*

1 *be paid as a result of the member's decision to terminate*
 2 *the voluntary separation incentive.”.*

3 (b) *EFFECTIVE DATE.*—*Subparagraph (B) of section*
 4 *1175(e)(3) of title 10, United States Code, as added by sub-*
 5 *section (a), shall apply with respect to decisions by members*
 6 *to terminate voluntary separation incentive payments*
 7 *under section 1175 of title 10, United States Code, to be*
 8 *effective after September 30, 2000.*

9 **SEC. 507. CONGRESSIONAL REVIEW PERIOD FOR ASSIGN-**
 10 **MENT OF WOMEN TO DUTY ON SUBMARINES**
 11 **AND FOR ANY PROPOSED RECONFIGURATION**
 12 **OR DESIGN OF SUBMARINES TO ACCOMMO-**
 13 **DATE FEMALE CREW MEMBERS.**

14 (a) *IN GENERAL.*—(1) *Chapter 555 of title 10, United*
 15 *States Code, is amended by adding at the end the following*
 16 *new section:*

17 **“§ 6035. Female members: congressional review period**
 18 **for assignment to duty on submarines or**
 19 **for reconfiguration of submarines**

20 *“(a) No change in the Department of the Navy policy*
 21 *limiting service on submarines to males, as in effect on May*
 22 *10, 2000, may take effect until—*

23 *“(1) the Secretary of Defense submits to Congress*
 24 *written notice of the proposed change; and*

1 “(2) a period of 120 days of continuous session
2 of Congress expires following the date on which the
3 notice is received.

4 “(b) No funds available to the Department of the Navy
5 may be expended to reconfigure any existing submarine, or
6 to design any new submarine, to accommodate female crew
7 members until—

8 “(1) the Secretary of Defense submits to Congress
9 written notice of the proposed reconfiguration or de-
10 sign; and

11 “(2) a period of 120 days of continuous session
12 of Congress expires following the date on which the
13 notice is received.

14 “(c) For purposes of this section—

15 “(1) the continuity of a session of Congress is
16 broken only by an adjournment of the Congress sine
17 die; and

18 “(2) the days on which either House of Congress
19 is not in session because of an adjournment of more
20 than three days to a day certain are excluded in the
21 computation of such 120-day period.”.

22 (2) The table of sections at the beginning of such chap-
23 ter is amended by adding at the end the following new item:

“6035. Female members: congressional review period for assignment to duty on
submarines or for reconfiguration of submarines.”.

1 (b) *CONFORMING AMENDMENT.*—Section 542(a)(1) of
2 *the National Defense Authorization Act for Fiscal Year*
3 *1994 (10 U.S.C. 113 note) is amended by inserting “or by*
4 *section 6035 of title 10, United States Code” after “Except*
5 *in a case covered by subsection (b)”.*

6 ***Subtitle B—Reserve Component***
7 ***Personnel Policy***

8 ***SEC. 511. EXEMPTION FROM ACTIVE-DUTY LIST FOR RE-***
9 ***SERVE OFFICERS ON ACTIVE DUTY FOR A PE-***
10 ***RIOD OF THREE YEARS OR LESS.***

11 *Section 641(1) of title 10, United States Code, is*
12 *amended—*

13 (1) *by redesignating subparagraphs (D) through*
14 *(G) as subparagraphs (E) through (H), respectively;*
15 *and*

16 (2) *by inserting after subparagraph (C) the fol-*
17 *lowing new subparagraph:*

18 *“(D) on the reserve active-status list who*
19 *are on active duty under section 12301(d) of this*
20 *title, other than as provided in subparagraph*
21 *(C), under a call or order to active duty speci-*
22 *fying a period of three years or less;”.*

1 **SEC. 512. EXEMPTION OF RESERVE COMPONENT MEDICAL**
2 **AND DENTAL OFFICERS FROM COUNTING IN**
3 **GRADE STRENGTHS.**

4 *Section 12005(a)(1) of title 10, United States Code,*
5 *is amended by adding at the end the following new sentence:*
6 *“Medical officers and dental officers shall be excluded in*
7 *computing and determining the authorized strengths under*
8 *this subsection.”.*

9 **SEC. 513. CONTINUATION OF OFFICERS ON THE RESERVE**
10 **ACTIVE STATUS LIST WITHOUT REQUIRE-**
11 **MENT FOR APPLICATION.**

12 *Section 14701(a) of title 10, United States Code, is*
13 *amended by striking “Upon application, a reserve officer”*
14 *and inserting “A reserve officer”.*

15 **SEC. 514. AUTHORITY TO RETAIN RESERVE COMPONENT**
16 **CHAPLAINS AND OFFICERS IN MEDICAL SPE-**
17 **CIALTIES UNTIL SPECIFIED AGE.**

18 *Section 14703(a)(3) of title 10, United States Code,*
19 *is amended by striking “veterinary officers” and all that*
20 *follows through the period and inserting “Air Force nurse,*
21 *Medical Service Corps officer, biomedical sciences officer, or*
22 *chaplain.”.*

1 **SEC. 515. AUTHORITY FOR TEMPORARY INCREASE IN NUM-**
2 **BER OF RESERVE COMPONENT PERSONNEL**
3 **SERVING ON ACTIVE DUTY OR FULL-TIME NA-**
4 **TIONAL GUARD DUTY IN CERTAIN GRADES.**

5 (a) *FIELD GRADE OFFICERS.*—Section 12011 of title
6 10, United States Code, as amended by section 501(b), is
7 amended by adding at the end the following new subsection:

8 “(d) Upon a determination by the Secretary of Defense
9 that such action is in the national interest, the Secretary
10 may increase the number of officers serving in any grade
11 for a fiscal year pursuant to subsection (a) by not more
12 than the percent authorized by the Secretary under section
13 115(c)(2) of this title.”

14 (b) *SENIOR ENLISTED MEMBERS.*—Section 12012 of
15 such title, as amended by section 501(c), is amended by
16 adding at the end the following new subsection:

17 “(d) Upon a determination by the Secretary of Defense
18 that such action is in the national interest, the Secretary
19 may increase the number of enlisted members serving in
20 any grade for a fiscal year pursuant to subsection (a) by
21 not more than the percent authorized by the Secretary
22 under section 115(c)(2) of this title.”

1 **SEC. 516. AUTHORITY FOR PROVISION OF LEGAL SERVICES**
2 **TO RESERVE COMPONENT MEMBERS FOL-**
3 **LOWING RELEASE FROM ACTIVE DUTY.**

4 (a) *LEGAL SERVICES.*—Section 1044(a) of title 10,
5 *United States Code, is amended—*

6 (1) *by redesignating paragraph (4) as para-*
7 *graph (5); and*

8 (2) *by inserting after paragraph (3) the fol-*
9 *lowing new paragraph:*

10 “(4) *Members of a reserve component not covered*
11 *by paragraph (1) or (2), but only during a period,*
12 *following a release from active duty under a call or*
13 *order to active duty for more than 29 days under a*
14 *mobilization authority (as determined by the Sec-*
15 *retary of Defense), that is not in excess of twice the*
16 *length of time served on active duty.”.*

17 (b) *DEPENDENTS.*—Paragraph (5) of such section
18 1044(a) (as redesignated by subsection (a)) is amended by
19 striking “and (3)” and inserting “(3), and (4)”.

20 (c) *IMPLEMENTING REGULATIONS.*—Regulations to
21 implement the amendments made by subsections (a) and
22 (b) shall be prescribed not later than 180 days after the
23 date of the enactment of this Act.

1 **SEC. 517. ENTITLEMENT TO SEPARATION PAY FOR RESERVE**
2 **OFFICERS RELEASED FROM ACTIVE DUTY**
3 **UPON DECLINING SELECTIVE CONTINUATION**
4 **ON ACTIVE DUTY AFTER SECOND FAILURE OF**
5 **SELECTION FOR PROMOTION.**

6 (a) *DISCHARGE OR RELEASE TO BE CONSIDERED IN-*
7 *VOLUNTARY.*—Section 1174(c) of title 10, United States
8 Code, is amended by adding at the end the following new
9 paragraph:

10 “(4) *The discharge or release from active duty of an*
11 *officer under a law or regulation requiring that an officer*
12 *who has failed of selection for promotion to the next higher*
13 *grade for the second time, or who declines continuation on*
14 *active duty after such a failure, be discharged or released*
15 *from active duty shall be considered to be involuntary for*
16 *purposes of paragraph (1)(A).”.*

17 (b) *EFFECTIVE DATE.*—Paragraph (4) of section
18 1174(c) of title 10, United States Code, as added by sub-
19 section (a), shall apply with respect to an offer for selective
20 continuation on active duty that is declined on or after the
21 date of the enactment of this Act.

1 **SEC. 518. EXTENSION OF INVOLUNTARY CIVIL SERVICE RE-**
2 **TIREMENT DATE FOR CERTAIN RESERVE**
3 **TECHNICIANS.**

4 (a) *MANDATORY RETIREMENT NOT APPLICABLE*
5 *UNTIL AGE 60.*—Section 10218 of title 10, United States
6 Code, is amended—

7 (1) *in subsection (a)*—

8 (A) *by inserting “and is age 60 or older at*
9 *that time” after “unreduced annuity” in para-*
10 *graph (2);*

11 (B) *by inserting “or is under age 60 at that*
12 *time” after “unreduced annuity” in paragraph*
13 *(3)(A); and*

14 (C) *by inserting “and becoming 60 years of*
15 *age” after “unreduced annuity” in paragraph*
16 *(3)(B)(i)(I); and*

17 (2) *in subsection (b)*—

18 (A) *by inserting “and is age 60 or older”*
19 *after “unreduced annuity” in paragraph (1);*

20 (B) *by inserting “or is under age 60” after*
21 *“unreduced annuity” in paragraph (2)(A); and*

22 (C) *by inserting “and becoming 60 years of*
23 *age” after “unreduced annuity” in paragraph*
24 *(2)(B)(i)(I).*

25 (b) *TRANSITION PROVISION.*—(1) *An individual who*
26 *before the date of the enactment of this Act was involun-*

1 *tarily separated or retired from employment as an Army*
2 *Reserve or Air Force Reserve technician under section*
3 *10218 of title 10, United States Code, and who would not*
4 *have been so separated if the provisions of subsection (c)*
5 *of that section, as amended by subsection (a), had been in*
6 *effect at the time of such separation may, with the approval*
7 *of the Secretary concerned, be reinstated to the technician*
8 *status held by that individual immediately before that sepa-*
9 *ration.*

10 *(2) The authority under paragraph (1) applies only*
11 *to reinstatement for which an application is received by*
12 *the Secretary concerned before the end of the one-year period*
13 *beginning on the date of the enactment of this Act.*

14 ***Subtitle C—Education and***
15 ***Training***

16 ***SEC. 521. COLLEGE TUITION ASSISTANCE PROGRAM FOR***
17 ***PURSUIT OF DEGREES BY MEMBERS OF THE***
18 ***MARINE CORPS PLATOON LEADERS CLASS***
19 ***PROGRAM.***

20 *(a) IN GENERAL.—Section 16401 of title 10, United*
21 *States Code, is amended as follows:*

22 *(1) The section heading is amended to read as*
23 *follows:*

1 **“§ 16401. Marine Corps Platoon Leaders Class pro-**
2 **gram: college tuition assistance pro-**
3 **gram”.**

4 (2) Subsection (a) is amended—

5 (A) by striking “FINANCIAL” in the sub-
6 section heading and inserting “COLLEGE TUI-
7 TION”;

8 (B) by striking “an eligible enlisted” in the
9 matter preceding paragraph (1) and inserting
10 “a”; and

11 (C) in paragraph (2), by striking “three”
12 and inserting “four”.

13 (3) Subsection (b)(1) is amended—

14 (A) by striking “an enlisted” and inserting
15 “a”;

16 (B) in subparagraph (A), by striking “an
17 officer candidate in” and inserting “a member
18 of”;

19 (C) by striking subparagraph (B) and re-
20 designating subparagraphs (C) and (D) as sub-
21 paragraphs (B) and (C), respectively; and

22 (D) in subparagraph (C) (as so redesign-
23 ated), by striking “(3)” and inserting “(2)”.

24 (4) Subsection (b) is amended by striking para-
25 graph (2) and redesignating paragraph (3) as para-
26 graph (2).

1 (5) *Subsection (f)(1) is amended by striking “A*
2 *member” and inserting “An enlisted member”.*

3 (b) *COMPUTATION OF CREDITABLE SERVICE.—Section*
4 *205(f) of title 37, United States Code, is amended—*

5 (1) *by striking “section 12209” and inserting*
6 *“section 12203”; and*

7 (2) *by striking “a member” and inserting “an*
8 *enlisted member”.*

9 (c) *CLERICAL AMENDMENT.—The item relating to sec-*
10 *tion 16401 in the table of sections at the beginning of chap-*
11 *ter 1611 of such title is amended to read as follows:*

*“16401. Marine Corps Platoon Leaders Class program: college tuition assistance
program.”.*

12 **SEC. 522. REVIEW OF ALLOCATION OF JUNIOR RESERVE OF-**
13 **FICERS TRAINING CORPS UNITS AMONG THE**
14 **SERVICES.**

15 (a) *REALLOCATION OF JROTC UNITS.—Not later than*
16 *March 31, 2001, the Secretary of Defense shall—*

17 (1) *review the allocation among the military de-*
18 *partments of the statutory maximum number of Jun-*
19 *ior Reserve Officers’ Training Corps (JROTC) units;*
20 *and*

21 (2) *redistribute the allocation of those units*
22 *planned (as of the date of the enactment of this Act)*
23 *for fiscal years 2001 through 2006 so as to increase*
24 *the number of units for a military department that*

1 proposes to more quickly eliminate the current wait-
2 ing list for such units and to commit the necessary
3 resources for that purpose.

4 (b) *PROPOSAL FOR INCREASE IN STATUTORY MAX-*
5 *IMUM.—If, based on the review under subsection (a) and*
6 *the redistribution of the allocation of JROTC units under*
7 *that subsection, the Secretary determines that an increase*
8 *in the statutory maximum number of such units is war-*
9 *ranted, the Secretary shall include a proposal for such an*
10 *increase in the budget proposal of the Department of De-*
11 *fense for fiscal year 2002.*

12 **SEC. 523. AUTHORITY FOR NAVAL POSTGRADUATE SCHOOL**
13 **TO ENROLL CERTAIN DEFENSE INDUSTRY CI-**
14 **VILIANS IN SPECIFIED PROGRAMS RELATING**
15 **TO DEFENSE PRODUCT DEVELOPMENT.**

16 (a) *IN GENERAL.—(1) Chapter 605 of title 10, United*
17 *States Code, is amended by adding at the end the following*
18 *new section:*

19 **“§ 7049. Defense industry civilians: admission to de-**
20 **fense product development program**

21 “(a) *AUTHORITY FOR ADMISSION.—The Secretary of*
22 *the Navy may permit eligible defense industry employees*
23 *to receive instruction at the Naval Postgraduate School in*
24 *accordance with this section. Any such defense industry em-*
25 *ployee may only be enrolled in, and may only be provided*

1 *instruction in, a program leading to a masters's degree in*
2 *a curriculum related to defense product development. No*
3 *more than 10 such defense industry employees may be en-*
4 *rolled at any one time. Upon successful completion of the*
5 *course of instruction in which enrolled, any such defense*
6 *industry employee may be awarded an appropriate degree*
7 *under section 7048 of this title.*

8 “(b) *ELIGIBLE DEFENSE INDUSTRY EMPLOYEES.—*
9 *For purposes of this section, an eligible defense industry*
10 *employee is an individual employed by a private firm that*
11 *is engaged in providing to the Department of Defense sig-*
12 *nificant and substantial defense-related systems, products,*
13 *or services. A defense industry employee admitted for in-*
14 *struction at the school remains eligible for such instruction*
15 *only so long at that person remains employed by the same*
16 *firm.*

17 “(c) *ANNUAL CERTIFICATION BY THE SECRETARY OF*
18 *THE NAVY.—Defense industry employees may receive in-*
19 *struction at the school during any academic year only if,*
20 *before the start of that academic year, the Secretary of the*
21 *Navy determines, and certifies to the Committee on Armed*
22 *Services of the Senate and the Committee on Armed Serv-*
23 *ices of the House of Representatives, that providing instruc-*
24 *tion to defense industry employees under this section during*
25 *that year—*

1 “(1) will further the military mission of the
2 school;

3 “(2) will enhance the ability of the Department
4 of Defense and defense-oriented private sector contrac-
5 tors engaged in the design and development of defense
6 systems to reduce the product and project lead times
7 required to bring such systems to initial operational
8 capability; and

9 “(3) will be done on a space-available basis and
10 not require an increase in the size of the faculty of
11 the school, an increase in the course offerings of the
12 school, or an increase in the laboratory facilities or
13 other infrastructure of the school.

14 “(d) PROGRAM REQUIREMENTS.—The Secretary of the
15 Navy shall ensure that—

16 “(1) the curriculum for the defense product devel-
17 opment program in which defense industry employees
18 may be enrolled under this section is not readily
19 available through other schools and concentrates on
20 defense product development functions that are con-
21 ducted by military organizations and defense contrac-
22 tors working in close cooperation; and

23 “(2) the course offerings at the school continue to
24 be determined solely by the needs of the Department
25 of Defense.

1 “(e) *TUITION.*—*The Superintendent of the school shall*
2 *charge tuition for students enrolled under this section at*
3 *a rate not less than the rate charged for employees of the*
4 *United States outside the Department of the Navy.*”

5 “(f) *STANDARDS OF CONDUCT.*—*While receiving in-*
6 *struction at the school, students enrolled under this section,*
7 *to the extent practicable, are subject to the same regulations*
8 *governing academic performance, attendance, norms of be-*
9 *havior, and enrollment as apply to Government civilian*
10 *employees receiving instruction at the school.*”

11 “(g) *USE OF FUNDS.*—*Amounts received by the school*
12 *for instruction of students enrolled under this section shall*
13 *be retained by the school to defray the costs of such instruc-*
14 *tion. The source, and the disposition, of such funds shall*
15 *be specifically identified in records of the school.”.*

16 (2) *The table of sections at the beginning of such chap-*
17 *ter is amended by adding at the end the following new item:*

“7049. *Defense industry civilians: admission to defense product development pro-*
gram.”.

18 (b) *PROGRAM EVALUATION AND REPORT.*—(1) *Before*
19 *the start of the fourth year of instruction, but no earlier*
20 *than the start of the third year of instruction, of defense*
21 *industry employees at the Naval Postgraduate School under*
22 *section 7049 of title 10, United States Code, as added by*
23 *subsection (a), the Secretary of the Navy shall conduct an*

1 *evaluation of the admission of such students under that sec-*
2 *tion. The evaluation shall include the following:*

3 (A) *An assessment of whether the authority for*
4 *instruction of nongovernment civilians at the school*
5 *has resulted in a discernible benefit for the Govern-*
6 *ment.*

7 (B) *Determination of whether the receipt and*
8 *disposition of funds received by the school as tuition*
9 *for instruction of such civilians at the school have*
10 *been properly identified in records of the school.*

11 (C) *An assessment of the disposition of those*
12 *funds.*

13 (D) *An assessment of whether instruction of such*
14 *civilians at the school is in the best interests of the*
15 *Government.*

16 (2) *Not later than 30 days after completing the evalua-*
17 *tion referred to in paragraph (1), the Secretary of the Navy*
18 *shall submit to the Secretary of Defense a report on the pro-*
19 *gram under such section. The report shall include—*

20 (A) *the results of the evaluation under para-*
21 *graph (1);*

22 (B) *the Secretary's conclusions and recommenda-*
23 *tion with respect to continuing to allow nongovern-*
24 *ment civilians to receive instruction and the Naval*

1 *Postgraduate School as part of a program related to*
2 *defense product development; and*

3 *(C) any proposals for legislative changes rec-*
4 *ommended by the Secretary.*

5 *(3) Not later than 60 days after receiving the report*
6 *of the Secretary of the Navy under paragraph (2), the Sec-*
7 *retary of Defense shall submit the report, together with any*
8 *comments that the Secretary considers appropriate, to the*
9 *Committee on Armed Services of the Senate and the Com-*
10 *mittee on Armed Services of the House of Representatives.*

11 ***Subtitle D—Decorations, Awards,***
12 ***and Commendations***

13 ***SEC. 531. AUTHORITY FOR AWARD OF THE MEDAL OF***
14 ***HONOR TO ANDREW J. SMITH FOR VALOR***
15 ***DURING THE CIVIL WAR.***

16 *(a) WAIVER OF TIME LIMITATIONS.—Notwithstanding*
17 *the time limitations specified in section 3744 of title 10,*
18 *United States Code, or any other time limitation with re-*
19 *spect to the awarding of certain medals to persons who*
20 *served in the military service, the President may award the*
21 *medal of honor, posthumously, under section 3741 of that*
22 *title to Andrew J. Smith of Clinton, Illinois, for the acts*
23 *of valor during the Civil War described in subsection (b).*

24 *(b) ACTION DESCRIBED.—The acts of valor referred to*
25 *in subsection (a) are the actions of Andrew J. Smith during*

1 *the Civil War on November 30, 1864, while serving as an*
2 *infantry corporal in the 55th Massachusetts Voluntary In-*
3 *fantry during the Battle of Honey Hill in South Carolina.*

4 **SEC. 532. AUTHORITY FOR AWARD OF THE MEDAL OF**
5 **HONOR TO ED W. FREEMAN FOR VALOR DUR-**
6 **ING THE VIETNAM CONFLICT.**

7 (a) *WAIVER OF TIME LIMITATIONS.—Notwithstanding*
8 *the time limitations specified in section 3744 of title 10,*
9 *United States Code, or any other time limitation with re-*
10 *spect to the awarding of certain medals to persons who*
11 *served in the military service, the President may award the*
12 *Medal of Honor, posthumously, under section 3741 of that*
13 *title to Ed W. Freeman of Boise, Idaho, for the acts of valor*
14 *during the Vietnam Conflict described in subsection (b).*

15 (b) *ACTION DESCRIBED.—The acts of valor referred to*
16 *in subsection (a) are the actions of Ed W. Freeman on No-*
17 *vember 14, 1965, as a flight leader and second in command*
18 *of a 16-helicopter lift unit, serving in the grade of captain*
19 *at Landing Zone X-Ray in the battle of the IaDrang Valley,*
20 *Republic of Vietnam, with Alpha Company, 229th Assault*
21 *Helicopter Battalion, 101st Cavalry Division (Airmobile).*

1 **SEC. 533. CONSIDERATION OF PROPOSALS FOR POST-**
2 **HUMOUS OR HONORARY PROMOTIONS OR AP-**
3 **POINTMENTS OF MEMBERS OR FORMER MEM-**
4 **BERS OF THE ARMED FORCES AND OTHER**
5 **QUALIFIED PERSONS.**

6 (a) *IN GENERAL.*—Chapter 80 of title 10, United
7 States Code, is amended by adding at the end the following
8 new section:

9 **“§1563. Consideration of proposals for posthumous**
10 **and honorary promotions and appoint-**
11 **ments: procedures for review and rec-**
12 **ommendation**

13 *“(a) REVIEW BY SECRETARY CONCERNED.*—Upon re-
14 quest of a Member of Congress, the Secretary concerned shall
15 review a proposal for the posthumous or honorary pro-
16 motion or appointment of a member or former member of
17 the armed forces, or any other person considered qualified,
18 that is not otherwise authorized by law. Based upon such
19 review, the Secretary shall make a determination as to the
20 merits of approving the posthumous or honorary promotion
21 or appointment and the other determinations necessary to
22 comply with subsection (b).

23 *“(b) NOTICE OF RESULTS OF REVIEW.*—Upon making
24 a determination under subsection (a) as to the merits of
25 approving the posthumous or honorary promotion or ap-
26 pointment, the Secretary concerned shall submit to the

1 *Committee on Armed Services of the Senate and the Com-*
2 *mittee on Armed Services of the House of Representatives*
3 *and to the requesting Member of Congress notice in writing*
4 *of one of the following:*

5 “(1) *The posthumous or honorary promotion or*
6 *appointment does not warrant approval on the mer-*
7 *its.*

8 “(2) *The posthumous or honorary promotion or*
9 *appointment warrants approval and authorization by*
10 *law for the promotion or appointment is rec-*
11 *ommended.*

12 “(3) *The posthumous or honorary promotion or*
13 *appointment warrants approval on the merits and*
14 *has been recommended to the President as an excep-*
15 *tion to policy.*

16 “(4) *The posthumous or honorary promotion or*
17 *appointment warrants approval on the merits and*
18 *authorization by law for the promotion or appoint-*
19 *ment is required but is not recommended.*

20 *A notice under paragraph (1) or (4) shall be accompanied*
21 *by a statement of the reasons for the decision of the Sec-*
22 *retary.*

23 “(c) *DEFINITION.—In this section, the term ‘Member*
24 *of Congress’ means—*

25 “(1) *a Senator; or*

1 “(2) a Representative in, or a Delegate or Resi-
2 dent Commissioner to, Congress.”.

3 (b) CLERICAL AMENDMENT.—The table of sections at
4 the beginning of such chapter is amended by adding at the
5 end the following new item:

 “1563. Consideration of proposals for posthumous and honorary promotions and
 appointments: procedures for review and recommendation.”.

6 **SEC. 534. WAIVER OF TIME LIMITATIONS FOR AWARD OF**
7 **NAVY DISTINGUISHED FLYING CROSS TO**
8 **CERTAIN PERSONS.**

9 (a) WAIVER.—Any limitation established by law or
10 policy for the time within which a recommendation for the
11 award of a military decoration or award must be submitted
12 shall not apply to awards of decorations described in this
13 section, the award of each such decoration having been de-
14 termined by the Secretary concerned to be warranted in ac-
15 cordance with section 1130 of title 10, United States Code.

16 (b) DISTINGUISHED FLYING CROSS.—Subsection (a)
17 applies to the award of the Distinguished Flying Cross for
18 service during World War II or Korea (including multiple
19 awards to the same individual) in the case of each indi-
20 vidual concerning whom the Secretary of the Navy (or an
21 officer of the Navy acting on behalf of the Secretary) sub-
22 mitted to the Committee on Armed Services of the House
23 of Representatives and the Committee on Armed Services
24 of the Senate, during the period beginning on October 5,

1 1999, and ending on the day before the date of the enact-
2 ment of this Act, a notice as provided in section 1130(b)
3 of title 10, United States Code, that the award of the Distin-
4 guished Flying Cross to that individual is warranted and
5 that a waiver of time restrictions prescribed by law for rec-
6 ommendation for such award is recommended.

7 **SEC. 535. ADDITION OF CERTAIN INFORMATION TO MARK-**
8 **ERS ON GRAVES CONTAINING REMAINS OF**
9 **CERTAIN UNKNOWNNS FROM THE U.S.S. ARI-**
10 **ZONA WHO DIED IN THE JAPANESE ATTACK**
11 **ON PEARL HARBOR ON DECEMBER 7, 1941.**

12 (a) *INFORMATION TO BE PROVIDED SECRETARY OF*
13 *VETERANS AFFAIRS.*—*The Secretary of the Army shall pro-*
14 *vide to the Secretary of Veterans Affairs certain informa-*
15 *tion, as specified in subsection (b), pertaining to the re-*
16 *mains of certain unknown persons that are interred in the*
17 *National Memorial Cemetery of the Pacific, Honolulu, Ha-*
18 *waii. The Secretary of Veterans Affairs shall add to the in-*
19 *scriptions on the markers on the graves containing those*
20 *remains the information provided.*

21 (b) *INFORMATION TO BE ADDED*—*The information to*
22 *be added to grave markers under subsection (a)—*

23 (1) *shall be determined by the Secretary of the*
24 *Army, based on a review of the information that, as*
25 *of the date of the enactment of this Act, has been au-*

1 *thenticated by the director of the Navy Historical*
2 *Center, Washington, D.C., pertaining to the interment*
3 *of remains of certain unknown casualties from the*
4 *U.S.S. Arizona who died as a result of the Japanese*
5 *attack on Pearl Harbor on December 7, 1941; and*

6 (2) *shall, at a minimum, indicate that the in-*
7 *terred remains are from the U.S.S. Arizona.*

8 (c) *LIMITATION OF SCOPE OF SECTION.—This section*
9 *does not impose any requirement on the Secretary of the*
10 *Army to undertake a review of any information pertaining*
11 *to the interred remains of any unknown person other than*
12 *as provided in subsection (b).*

13 **SEC. 536. SENSE OF CONGRESS REGARDING FINAL CREW OF**
14 **U.S.S. INDIANAPOLIS.**

15 (a) *FINDINGS.—Congress finds the following:*

16 (1) *Shortly after midnight on the night of July*
17 *30, 1945, during the closing days of World War II,*
18 *the United States Navy heavy cruiser U.S.S. INDI-*
19 *ANAPOLIS (CA-35) was torpedoed and sunk by a*
20 *Japanese submarine.*

21 (2) *Of the 1,196 crew members, only 316 sur-*
22 *vived the attack and subsequent five-day ordeal adrift*
23 *at sea, the rest dying from battle wounds, drowning,*
24 *shark attacks, exposure, or lack of food and water,*

1 *making the sinking of the INDIANAPOLIS the worst*
2 *sea disaster in United States naval history.*

3 (3) *Following the rescue of the surviving crew*
4 *members, the commanding officer of the INDIANAP-*
5 *OLIS, Captain Charles Butler McVay III, who sur-*
6 *vived the sinking and the ordeal at sea, was charged*
7 *with “suffering a vessel to be hazarded through neg-*
8 *ligence” and was convicted by a court-martial of that*
9 *charge, notwithstanding a great many extenuating*
10 *circumstances, some of which were not presented at*
11 *the court-martial trial.*

12 (4) *Captain McVay had an excellent record*
13 *throughout his naval career before the sinking of the*
14 *INDIANAPOLIS, beginning with his graduation*
15 *from the United States Naval Academy in 1919 and*
16 *including an excellent combat record that included*
17 *participation in the landings in North Africa and*
18 *award of the Silver Star for courage under fire*
19 *earned during the Solomon Islands campaign.*

20 (5) *After assuming command of the INDIANAP-*
21 *OLIS on November 18, 1944, Captain McVay led the*
22 *ship during her participation in the assaults on Iwo*
23 *Jima and Okinawa.*

24 (6) *During the latter assault, the INDIANAP-*
25 *OLIS suffered a damaging kamikaze attack which*

1 *penetrated the ship's hull, but the ship was made sea-*
2 *worthy and skillfully returned by Captain McVay*
3 *and her crew to San Francisco for repairs.*

4 (7) *Following completion of those repairs, the*
5 *INDIANAPOLIS was given the mission of trans-*
6 *porting to the island of Tinian vital parts of the*
7 *atomic bomb which was dropped on Hiroshima, a*
8 *mission which was completed successfully on July 26,*
9 *1945, at a record average speed of 29 knots.*

10 (8) *Following the accomplishment of that mis-*
11 *sion, the INDIANAPOLIS sailed from Tinian to*
12 *Guam and from there embarked for Leyte Gulf in the*
13 *Philippines to join training with the fleet assembling*
14 *for the final assault on the Japanese mainland.*

15 (9) *As the INDIANAPOLIS began its trip across*
16 *the Philippine Sea on July 28, 1945, the war was*
17 *virtually over in that area of the south Pacific, with*
18 *hostilities having moved 1,000 miles to the north, the*
19 *Japanese navy's surface fleet was nonexistent, and*
20 *United States naval intelligence reported only four*
21 *operational Japanese submarines in the entire Pacific*
22 *theater of war, all of which resulted in the state of*
23 *alert among shore-based personnel routing and track-*
24 *ing the INDIANAPOLIS across the Philippine Sea*
25 *being affected accordingly.*

1 (10) *Before departure from Guam Captain*
2 *McVay requested a destroyer escort because his ship*
3 *was not equipped with antisubmarine detection de-*
4 *vices, but, despite the fact that no capital ship such*
5 *as the INDIANAPOLIS had made the transit between*
6 *Guam and the Philippines without escort during*
7 *World War II, that request was denied, and a 1996*
8 *report by the Navy’s Judge Advocate General’s office*
9 *concedes that “Captain McVay and the routing officer*
10 *did not discuss the availability of an escort after the*
11 *operations officer for COMMARIANNAS confirmed*
12 *that an escort was not necessary”.*

13 (11) *Although Captain McVay was informed of*
14 *“submarine sightings” in the Philippine Sea, such*
15 *sightings were commonplace, and none of those re-*
16 *ported to Captain McVay had been confirmed, and at*
17 *the same time there was a failure to inform him that*
18 *a submarine within range of his path had sunk the*
19 *U.S.S. UNDERHILL four days before his departure*
20 *from Guam.*

21 (12) *United States military intelligence activi-*
22 *ties, through a code-breaking system called ULTRA,*
23 *had learned that the Japanese submarine I-58 was*
24 *operating in the Philippine Sea area, but Captain*
25 *McVay was not told of this intelligence, which re-*

1 *remained classified as Top Secret until the early*
2 *1990's, and this intelligence (and the fact that it was*
3 *withheld from Captain McVay when he sailed from*
4 *Guam) was not brought to light at his court-martial.*

5 *(13) The INDIANAPOLIS was sunk by this*
6 *same submarine.*

7 *(14) the commander of that submarine,*
8 *Mochitsura Hashimoto, testified at the court-martial*
9 *that once he had detected the ship, he would have been*
10 *able to make a successful torpedo attack whether or*
11 *not the ship was zigzagging.*

12 *(15) With visibility severely limited by a heavy*
13 *overcast at approximately 11 p.m. on the night of*
14 *July 29, 1945, Captain McVay gave the order to cease*
15 *zigzagging and retired to his cabin and shortly after*
16 *midnight the INDIANAPOLIS was struck by two tor-*
17 *pedoes and sunk within 12 minutes.*

18 *(16) The formal charge upon which Captain*
19 *McVay was convicted for "suffering a vessel to be haz-*
20 *arded through negligence" contained the phrase "in*
21 *good visibility" in reference to the weather conditions*
22 *on that night, which is contrary to the recollection of*
23 *all survivors, who recall that the visibility was very*
24 *poor.*

1 (17) *After the INDIANAPOLIS was sunk, various*
2 *Navy shore offices compounded the previous errors*
3 *which had led to the ship being placed in jeopardy*
4 *by failing to report the ship's overdue arrival,*
5 *thus leaving the approximately 950 members of the*
6 *crew who survived the sinking of the ship adrift for*
7 *four days and five nights until by chance the survivors*
8 *were spotted by a routine air patrol.*

9 (18) *A court of inquiry to investigate the sinking*
10 *was convened in Guam on August 13, 1945, just two*
11 *weeks after the sinking and nine days after the survivors*
12 *were rescued (a date so soon after the sinking that*
13 *Captain William Hillbert, the Navy judge advocate*
14 *for the inquiry, admitted that the inquiry was*
15 *so rushed that they were “. . . starting the proceedings*
16 *without having available all the necessary data”)*
17 *and recommended that Captain McVay be*
18 *issued a Letter of Reprimand and that he be court-*
19 *martialed.*

20 (19) *The headquarters staff of CINCPAC (com-*
21 *manded by Fleet Admiral Chester Nimitz) disagreed*
22 *with the recommendation of the court of inquiry, stat-*
23 *ing that in not maintaining a zigzag course Captain*
24 *McVay at worst was guilty only of an error in judgment*
25 *and not gross negligence and concluded that the*

1 *rule requiring zigzagging would not have applied in*
2 *any event since Captain McVay's orders gave him*
3 *discretion on that matter and took precedence over all*
4 *other orders (a point that was never made by Captain*
5 *McVay's attorney during the court-martial).*

6 (20) *The Department of the Navy delayed the*
7 *announcement of the sinking of the INDIANAPOLIS*
8 *for almost two weeks to coincide with the announce-*
9 *ment of the surrender of Japan, thus diverting atten-*
10 *tion from the magnitude of the disaster and lessening*
11 *its public impact, and then, despite opposition by Ad-*
12 *miral Nimitz and Admiral Raymond Spruance (for*
13 *whom the INDIANAPOLIS had served as flagship), it*
14 *brought court-martial charges against Captain*
15 *McVay in a rare instance when a commanding offi-*
16 *cer's recommendations are contravened.*

17 (21) *Captain McVay thus became the first*
18 *United States Navy commanding officer brought to*
19 *trial for losing his ship in combat during World War*
20 *II, despite the fact that over 700 ships were lost dur-*
21 *ing World War II, including some under questionable*
22 *circumstances.*

23 (22) *Captain McVay was convicted on February*
24 *23, 1946, on the charge of "suffering a vessel to be*
25 *hazarded through negligence", thus permanently dam-*

1 aging his career as a naval officer, although when Ad-
2 miral Nimitz was advanced to the position of Chief
3 of Naval Operations later that same year, he remitted
4 Captain McVay's sentence and restored him to active
5 duty.

6 (23) Following his court-martial conviction,
7 Captain McVay remained on active duty until retir-
8 ing in 1949 upon completion of 30 years of active
9 naval service, with a final promotion, in accordance
10 with then-applicable law, to the grade of rear admiral,
11 effective upon the date of his retirement.

12 (24) Rear Admiral Charles Butler McVay III
13 (retired), died on November 6, 1968, without having
14 been exonerated from responsibility for the loss of his
15 ship and the lives of 880 members of her crew.

16 (25) The survivors of the INDIANAPOLIS still
17 living have remained steadfast in their support of the
18 exoneration of Captain McVay.

19 (26) In 1993, Congress, in section 1165 of the
20 National Defense Authorization Act for Fiscal Year
21 1994 (Public Law 103-160; 107 Stat. 1765; 16
22 U.S.C. 431 note), recognized the memorial to the
23 U.S.S. INDIANAPOLIS (CA-35) in Indianapolis,
24 Indiana, as the national memorial to that historic
25 warship and to her final crew.

1 (27) *In 1994, Congress, in section 1052 of the*
2 *National Defense Authorization Act for Fiscal Year*
3 *1995 (Public Law 103–337; 108 Stat. 2844), stating*
4 *that it was acting on behalf of the grateful people of*
5 *the United States—*

6 (A) *recognized the invaluable contributions*
7 *of the U.S.S. INDIANAPOLIS to the ending of*
8 *World War II; and*

9 (B) *on the occasion of the 50th anniversary*
10 *of her tragic sinking, and the dedication of the*
11 *national memorial in Indianapolis on July 30,*
12 *1995, commended that ship and her crew for self-*
13 *less and heroic service to the United States.*

14 (b) *COURT-MARTIAL CONVICTION OF CHARLES BUT-*
15 *LER MCVAY, III.—It is the sense of Congress that—*

16 (1) *the court-martial charges against then-Cap-*
17 *tain Charles Butler McVay III, United States Navy,*
18 *arising from the sinking of the U.S.S. INDIANAP-*
19 *OLIS (CA–35) on July 30, 1945, while under his*
20 *command were not morally sustainable;*

21 (2) *Captain McVay’s conviction was a mis-*
22 *carriage of justice that led to his unjust humiliation*
23 *and damage to his naval career; and*

24 (3) *the American people should now recognize*
25 *Captain McVay’s lack of culpability for the tragic loss*

1 *throughout his career in the United States Navy prior*
2 *to the December 7, 1941, attack on Pearl Harbor.*

3 *(2) The late Major General (retired) Walter C.*
4 *Short, formerly serving in the grade of lieutenant gen-*
5 *eral as the Commander of the United States Army*
6 *Hawaiian Department, had an excellent and unas-*
7 *sailable record throughout his career in the United*
8 *States Army prior to the December 7, 1941, attack on*
9 *Pearl Harbor.*

10 *(3) Numerous investigations following the attack*
11 *on Pearl Harbor have documented that then Admiral*
12 *Kimmel and then Lieutenant General Short were not*
13 *provided necessary and critical intelligence that was*
14 *available, that foretold of war with Japan, that*
15 *warned of imminent attack, and that would have*
16 *alerted them to prepare for the attack, including such*
17 *essential communiques as the Japanese Pearl Harbor*
18 *Bomb Plot message of September 24, 1941, and the*
19 *message sent from the Imperial Japanese Foreign*
20 *Ministry to the Japanese Ambassador in the United*
21 *States from December 6–7, 1941, known as the Four-*
22 *teen-Part Message.*

23 *(4) On December 16, 1941, Admiral Kimmel and*
24 *Lieutenant General Short were relieved of their com-*

1 *mands and returned to their permanent ranks of rear*
2 *admiral and major general.*

3 (5) *Admiral William Harrison Standley, who*
4 *served as a member of the investigating commission*
5 *known as the Roberts Commission that accused Admi-*
6 *ral Kimmel and Lieutenant General Short of “dere-*
7 *liction of duty” only six weeks after the attack on*
8 *Pearl Harbor, later disavowed the report maintaining*
9 *that “these two officers were martyred” and “if they*
10 *had been brought to trial, both would have been*
11 *cleared of the charge”.*

12 (6) *On October 19, 1944, a Naval Court of*
13 *Inquiry—*

14 (A) *exonerated Admiral Kimmel on the*
15 *grounds that his military decisions and the dis-*
16 *position of his forces at the time of the December*
17 *7, 1941, attack on Pearl Harbor were proper “by*
18 *virtue of the information that Admiral Kimmel*
19 *had at hand which indicated neither the prob-*
20 *ability nor the imminence of an air attack on*
21 *Pearl Harbor”;*

22 (B) *criticized the higher command for not*
23 *sharing with Admiral Kimmel “during the very*
24 *critical period of 26 November to 7 December*

1 1941, important information . . . regarding the
2 *Japanese situation*”; and

3 (C) concluded that the Japanese attack and
4 its outcome was attributable to no serious fault
5 on the part of anyone in the naval service.

6 (7) On June 15, 1944, an investigation con-
7 ducted by Admiral T. C. Hart at the direction of the
8 Secretary of the Navy produced evidence, subsequently
9 confirmed, that essential intelligence concerning Jap-
10 anese intentions and war plans was available in
11 Washington but was not shared with Admiral Kim-
12 mel.

13 (8) On October 20, 1944, the Army Pearl Harbor
14 Board of Investigation determined that—

15 (A) Lieutenant General Short had not been
16 kept “fully advised of the growing tenseness of
17 the Japanese situation which indicated an in-
18 creasing necessity for better preparation for
19 war”;

20 (B) detailed information and intelligence
21 about Japanese intentions and war plans were
22 available in “abundance”, but were not shared
23 with Lieutenant General Short’s Hawaii com-
24 mand; and

1 (C) Lieutenant General Short was not pro-
2 vided “on the evening of December 6th and the
3 early morning of December 7th, the critical in-
4 formation indicating an almost immediate break
5 with Japan, though there was ample time to
6 have accomplished this”.

7 (9) The reports by both the Naval Court of In-
8 quiry and the Army Pearl Harbor Board of Inves-
9 tigation were kept secret, and Rear Admiral (retired)
10 Kimmel and Major General (retired) Short were de-
11 nied their requests to defend themselves through trial
12 by court-martial.

13 (10) The joint committee of Congress that was es-
14 tablished to investigate the conduct of Admiral Kim-
15 mel and Lieutenant General Short completed, on May
16 31, 1946, a 1,075-page report which included the con-
17 clusions of the committee that the two officers had not
18 been guilty of dereliction of duty.

19 (11) The Officer Personnel Act of 1947, in estab-
20 lishing a promotion system for the Navy and the
21 Army, provided a legal basis for the President to
22 honor any officer of the Armed Forces of the United
23 States who served his country as a senior commander
24 during World War II with a placement of that officer,
25 with the advice and consent of the Senate, on the re-

1 *tired list with the highest grade held while on the ac-*
2 *tive duty list.*

3 (12) *On April 27, 1954, the then Chief of Naval*
4 *Personnel, Admiral J. L. Holloway, Jr., recommended*
5 *that Rear Admiral Kimmel be advanced in rank in*
6 *accordance with the provisions of the Officer Per-*
7 *sonnel Act of 1947.*

8 (13) *On November 13, 1991, a majority of the*
9 *members of the Board for the Correction of Military*
10 *Records of the Department of the Army found that the*
11 *late Major General (retired) Short “was unjustly held*
12 *responsible for the Pearl Harbor disaster” and that*
13 *“it would be equitable and just” to advance him to*
14 *the rank of lieutenant general on the retired list”.*

15 (14) *In October 1994, the then Chief of Naval*
16 *Operations, Admiral Carlisle Trost, withdrew his*
17 *1988 recommendation against the advancement of*
18 *Rear Admiral (retired) Kimmel (by then deceased)*
19 *and recommended that the case of Rear Admiral*
20 *Kimmel be reopened.*

21 (15) *Although the Dorn Report, a report on the*
22 *results of a Department of Defense study that was*
23 *issued on December 15, 1995, did not provide support*
24 *for an advancement of the late Rear Admiral (retired)*
25 *Kimmel or the late Major General (retired) Short in*

1 *grade, it did set forth as a conclusion of the study*
2 *that “responsibility for the Pearl Harbor disaster*
3 *should not fall solely on the shoulders of Admiral*
4 *Kimmel and Lieutenant General Short, it should be*
5 *broadly shared”.*

6 *(16) The Dorn Report found—*

7 *(A) that “Army and Navy officials in*
8 *Washington were privy to intercepted Japanese*
9 *diplomatic communications...which provided*
10 *crucial confirmation of the imminence of war”;*

11 *(B) that “the evidence of the handling of*
12 *these messages in Washington reveals some inep-*
13 *titude, some unwarranted assumptions and*
14 *misestimations, limited coordination, ambiguous*
15 *language, and lack of clarification and follow-up*
16 *at higher levels”; and*

17 *(C) that “together, these characteristics re-*
18 *sulted in failure...to appreciate fully and to*
19 *convey to the commanders in Hawaii the sense*
20 *of focus and urgency that these intercepts should*
21 *have engendered”.*

22 *(17) On July 21, 1997, Vice Admiral David C.*
23 *Richardson (United States Navy, retired) responded*
24 *to the Dorn Report with his own study which con-*
25 *firmed findings of the Naval Court of Inquiry and the*

1 *Army Pearl Harbor Board of Investigation and estab-*
2 *lished, among other facts, that the war effort in 1941*
3 *was undermined by a restrictive intelligence distribu-*
4 *tion policy, and the degree to which the commanders*
5 *of the United States forces in Hawaii were not alerted*
6 *about the impending attack on Hawaii was directly*
7 *attributable to the withholding of intelligence from*
8 *then Admiral Kimmel and Lieutenant General Short.*

9 (18) *Rear Admiral (retired) Kimmel and Major*
10 *General (retired) Short are the only two officers eligi-*
11 *ble for advancement under the Officer Personnel Act*
12 *of 1947 as senior World War II commanders who*
13 *were excluded from the list of retired officers presented*
14 *for advancement on the retired lists to their highest*
15 *wartime ranks under that Act.*

16 (19) *This singular exclusion from advancement*
17 *of Rear Admiral (retired) Kimmel and Major General*
18 *(retired) Short from the Navy retired list and the*
19 *Army retired list, respectively, serves only to perpet-*
20 *uate the myth that the senior commanders in Hawaii*
21 *were derelict in their duty and responsible for the suc-*
22 *cess of the attack on Pearl Harbor, and is a distinct*
23 *and unacceptable expression of dishonor toward two*
24 *of the finest officers who have served in the Armed*
25 *Forces of the United States.*

1 (20) *Major General (retired) Walter Short died*
2 *on September 23, 1949, and Rear Admiral (retired)*
3 *Husband Kimmel died on May 14, 1968, without*
4 *having been accorded the honor of being returned to*
5 *their wartime ranks as were their fellow veterans of*
6 *World War II.*

7 (21) *The Veterans of Foreign Wars, the Pearl*
8 *Harbor Survivors Association, the Admiral Nimitz*
9 *Foundation, the Naval Academy Alumni Association,*
10 *the Retired Officers Association, the Pearl Harbor*
11 *Commemorative Committee, and other associations*
12 *and numerous retired military officers have called for*
13 *the rehabilitation of the reputations and honor of the*
14 *late Rear Admiral (retired) Kimmel and the late*
15 *Major General (retired) Short through their post-*
16 *humous advancement on the retired lists to their high-*
17 *est wartime grades.*

18 (b) *REQUEST FOR ADVANCEMENT ON RETIRED*
19 *LISTS.—(1) The President is requested—*

20 (A) *to advance the late Rear Admiral (retired)*
21 *Husband E. Kimmel to the grade of admiral on the*
22 *retired list of the Navy; and*

23 (B) *to advance the late Major General (retired)*
24 *Walter C. Short to the grade of lieutenant general on*
25 *the retired list of the Army.*

1 (2) *Any advancement in grade on a retired list re-*
2 *quested under paragraph (1) shall not increase or otherwise*
3 *modify the compensation or benefits from the United States*
4 *to which any person is now or may in the future be entitled*
5 *based upon the military service of the officer advanced.*

6 (c) *SENSE OF CONGRESS.—It is the sense of Congress*
7 *that—*

8 (1) *the late Rear Admiral (retired) Husband E.*
9 *Kimmel performed his duties as Commander in Chief,*
10 *United States Pacific Fleet, competently and profes-*
11 *sionally, and, therefore, the losses incurred by the*
12 *United States in the attacks on the naval base at*
13 *Pearl Harbor, Hawaii, and other targets on the is-*
14 *land of Oahu, Hawaii, on December 7, 1941, were not*
15 *a result of dereliction in the performance of those du-*
16 *ties by the then Admiral Kimmel; and*

17 (2) *the late Major General (retired) Walter C.*
18 *Short performed his duties as Commanding General,*
19 *Hawaiian Department, competently and profes-*
20 *sionally, and, therefore, the losses incurred by the*
21 *United States in the attacks on Hickam Army Air*
22 *Field and Schofield Barracks, Hawaii, and other tar-*
23 *gets on the island of Oahu, Hawaii, on December 7,*
24 *1941, were not a result of dereliction in the perform-*

1 *ance of those duties by the then Lieutenant General*
2 *Short.*

3 **SEC. 538. COMMENDATION OF CITIZENS OF REMY, FRANCE,**
4 **FOR WORLD WAR II ACTIONS.**

5 *(a) FINDINGS.—The Congress finds the following:*

6 *(1) On August 2, 1944, a squadron of P-51s*
7 *from the United States 364th Fighter Group strafed*
8 *a German munitions train in Remy, France.*

9 *(2) The resulting explosion killed Lieutenant*
10 *Houston Braly, one of the attacking pilots, and de-*
11 *stroyed much of the village of Remy, including seven*
12 *stained glass windows in the 13th Century church.*

13 *(3) Despite threats of reprisals from the occu-*
14 *pying German authorities, the citizens of Remy recov-*
15 *ered Lieutenant Braly's body from the wreckage, bur-*
16 *ied his body with dignity and honor in the church's*
17 *cemetery, and decorated the grave site daily with*
18 *fresh flowers.*

19 *(4) On Armistice Day, 1995, the village of Remy*
20 *renamed the crossroads near the site of Lieutenant*
21 *Braly's death in his honor.*

22 *(5) The surviving members of the 364th Fighter*
23 *Group desire to express their gratitude to the brave*
24 *citizens of Remy.*

1 (6) *To express their gratitude, the surviving*
 2 *members of the 364th Fighter Group have organized*
 3 *a nonprofit corporation to raise funds, through its*
 4 *project “Windows for Remy”, to restore the church’s*
 5 *stained glass windows.*

6 (b) *COMMENDATION AND RECOGNITION.*—*The Congress*
 7 *commends the bravery and honor of the citizens of Remy,*
 8 *France, for their actions with respect to the American fight-*
 9 *er pilot Lieutenant Houston Braly during and after August*
 10 *1944, and recognizes the efforts of the surviving members*
 11 *of the United States 364th Fighter Group to raise funds*
 12 *to restore the stained glass windows of Remy’s 13th Century*
 13 *church.*

14 ***Subtitle E—Military Justice***
 15 ***Matters***

16 ***SEC. 541. RECOGNITION BY STATES OF MILITARY TESTA-***
 17 ***MENTARY INSTRUMENTS.***

18 (a) *IN GENERAL.*—*Chapter 53 of title 10, United*
 19 *States Code, is amended by inserting after section 1044c*
 20 *the following new section:*

21 ***“§ 1044d. Military testamentary instruments: require-***
 22 ***ment for recognition by States***

23 ***“(a) TESTAMENTARY INSTRUMENTS TO BE GIVEN***
 24 ***LEGAL EFFECT.***—*A military testamentary instrument—*

1 “(1) is exempt from any requirement of form,
2 formality, or recording before probate that is provided
3 for testamentary instruments under the laws of a
4 State; and

5 “(2) has the same legal effect as a testamentary
6 instrument prepared and executed in accordance with
7 the laws of the State in which it is presented for pro-
8 bate.

9 “(b) *MILITARY TESTAMENTARY INSTRUMENTS.*—For
10 purposes of this section, a military testamentary instru-
11 ment is an instrument that is prepared with testamentary
12 intent in accordance with regulations prescribed under this
13 section and that—

14 “(1) is executed in accordance with subsection
15 (c) by (or on behalf of) a person, as a testator, who
16 is eligible for military legal assistance;

17 “(2) makes a disposition of property of the tes-
18 tator; and

19 “(3) takes effect upon the death of the testator.

20 “(c) *REQUIREMENTS FOR EXECUTION OF MILITARY*
21 *TESTAMENTARY INSTRUMENTS.*—An instrument is valid as
22 a military testamentary instrument only if—

23 “(1) the instrument is executed by the testator
24 (or, if the testator is unable to execute the instrument

1 *personally, the instrument is executed in the presence*
2 *of, by the direction of, and on behalf of the testator);*

3 “(2) *the instrument is executed in the presence*
4 *of a military legal assistance counsel acting as pre-*
5 *siding attorney;*

6 “(3) *the instrument is executed in the presence*
7 *of at least two disinterested witnesses (in addition to*
8 *the presiding attorney), each of whom attests to wit-*
9 *nessing the testator’s execution of the instrument by*
10 *signing it; and*

11 “(4) *the instrument is executed in accordance*
12 *with such additional requirements as may be pro-*
13 *vided in regulations prescribed under this section.*

14 “(d) *SELF-PROVING MILITARY TESTAMENTARY IN-*
15 *STRUMENTS.—(1) If the document setting forth a military*
16 *testamentary instrument meets the requirements of para-*
17 *graph (2), then the signature of a person on the document*
18 *as the testator, an attesting witness, a notary, or the pre-*
19 *siding attorney, together with a written representation of*
20 *the person’s status as such and the person’s military grade*
21 *(if any) or other title, is prima facie evidence of the fol-*
22 *lowing:*

23 “(A) *That the signature is genuine.*

24 “(B) *That the signatory had the represented sta-*
25 *tus and title at the time of the execution of the will.*

1 “(C) *That the signature was executed in compli-*
2 *ance with the procedures required under the regula-*
3 *tions prescribed under subsection (f).*

4 “(2) *A document setting forth a military testamentary*
5 *instrument meets the requirements of this paragraph if it*
6 *includes (or has attached to it), in a form and content re-*
7 *quired under the regulations prescribed under subsection*
8 *(f), each of the following:*

9 “(A) *A certificate, executed by the testator, that*
10 *includes the testator’s acknowledgment of the testa-*
11 *mentary instrument.*

12 “(B) *An affidavit, executed by each witness sign-*
13 *ing the testamentary instrument, that attests to the*
14 *circumstances under which the testamentary instru-*
15 *ment was executed.*

16 “(C) *A notarization, including a certificate of*
17 *any administration of an oath required under the*
18 *regulations, that is signed by the notary or other offi-*
19 *cial administering the oath.*

20 “(e) *STATEMENT TO BE INCLUDED.—(1) Under regu-*
21 *lations prescribed under this section, each military testa-*
22 *mentary instrument shall contain a statement that sets*
23 *forth the provisions of subsection (a).*

24 “(2) *Paragraph (1) shall not be construed to make in-*
25 *applicable the provisions of subsection (a) to a testamentary*

1 *instrument that does not include a statement described in*
2 *that paragraph.*

3 “(f) *REGULATIONS.*—*Regulations for the purposes of*
4 *this section shall be prescribed jointly by the Secretary of*
5 *Defense and by the Secretary of Transportation with respect*
6 *to the Coast Guard when it is not operating as a service*
7 *in the Department of the Navy.*

8 “(g) *DEFINITIONS.*—*In this section:*

9 “(1) *The term ‘person eligible for military legal*
10 *assistance’ means a person who is eligible for legal as-*
11 *sistance under section 1044 of this title.*

12 “(2) *The term ‘military legal assistance counsel’*
13 *means—*

14 “(A) *a judge advocate (as defined in section*
15 *801(13) of this title); or*

16 “(B) *a civilian attorney serving as a legal*
17 *assistance officer under the provisions of section*
18 *1044 of this title.*

19 “(3) *The term ‘State’ includes the District of Co-*
20 *lumbia, the Commonwealth of Puerto Rico, the Com-*
21 *monwealth of the Northern Mariana Islands, and*
22 *each possession of the United States.”.*

23 “(b) *CLERICAL AMENDMENT.*—*The table of sections at*
24 *the beginning of such chapter is amended by inserting after*
25 *the item relating to section 1044c the following new item:*

“1044d. *Military testamentary instruments: requirement for recognition by States.*”.

1 **SEC. 542. PROBABLE CAUSE REQUIRED FOR ENTRY OF**
 2 **NAMES OF SUBJECTS INTO OFFICIAL CRIMI-**
 3 **NAL INVESTIGATIVE REPORTS.**

4 (a) *IN GENERAL.*—(1) Chapter 80 of title 10, United
 5 States Code, is amended by adding after section 1563, as
 6 added by section 533(a), the following new section:

7 **“§1564. Military criminal investigations: probable**
 8 **cause required for entry of names of sub-**
 9 **jects into official investigative reports**

10 “(a) *PROBABLE CAUSE REQUIRED FOR ‘TITLING’.*—
 11 *The Secretary of Defense shall require that an employee of*
 12 *a military criminal investigative organization or a member*
 13 *of the armed forces assigned to a military criminal inves-*
 14 *tigative organization, in connection with the investigation*
 15 *of a reported crime, may not designate any person, by name*
 16 *or by any other identifying information, as a suspect in*
 17 *the case in any official investigative report, or in a central*
 18 *index for potential retrieval and analysis by law enforce-*
 19 *ment organizations, unless there is probable cause to believe*
 20 *that that person committed the crime.*

21 “(b) *STANDARD FOR REMOVAL OF ‘TITLING’ INFORMA-*
 22 *TION FROM RECORDS.*—*The Secretary of Defense shall es-*
 23 *tablish a uniform standard applicable throughout the De-*
 24 *partment of Defense for removal from an official investiga-*

1 *tive report of a reported crime, and from any applicable*
 2 *central index, of the name of a person (and any other iden-*
 3 *tifying information about that person) that was entered in*
 4 *the report or index to designate that person as a suspect*
 5 *in the case when it is subsequently determined that there*
 6 *is not probable cause to believe that that person committed*
 7 *the crime.*

8 “(c) *CRIMINAL INVESTIGATIVE ORGANIZATION DE-*
 9 *FINED.*—*In this section, the term ‘criminal investigative or-*
 10 *ganization’ means any of the following:*

11 “(1) *The Defense Criminal Investigative Service*
 12 *(or any successor to that service).*

13 “(2) *The Army Criminal Investigation Com-*
 14 *mand (or any successor to that command).*

15 “(3) *The Naval Criminal Investigative Service*
 16 *(or any successor to that service).*

17 “(4) *The Air Force Office of Special Investiga-*
 18 *tions (or any successor to that office).”.*

19 (2) *The table of sections at the beginning of such chap-*
 20 *ter is amended by adding after the item relating to section*
 21 *1563, as added by section 533(b), the following new item:*

*“1564. Military criminal investigations: probable cause required for entry of
 names of subjects into official investigative reports.”.*

22 (b) *EFFECTIVE DATE.*—*Section 1564 of title 10,*
 23 *United States Code, as added by subsection (a), shall take*

1 *effect at the end of the 180-day period beginning on the*
2 *date of the enactment of this Act.*

3 **SEC. 543. COLLECTION AND USE OF DNA IDENTIFICATION**
4 **INFORMATION FROM VIOLENT AND SEXUAL**
5 **OFFENDERS IN THE ARMED FORCES.**

6 (a) *IN GENERAL.*—(1) *Chapter 80 of title 10, United*
7 *States Code, is amended by adding after section 1564, as*
8 *added by section 542(a)(1), the end the following new sec-*
9 *tion:*

10 **“§ 1565. DNA identification information: collection**
11 **from violent and sexual offenders; use**

12 *“(a) COLLECTION OF DNA SAMPLES.—The Secretary*
13 *concerned shall collect a DNA sample from each member*
14 *of the armed forces under the Secretary’s jurisdiction who*
15 *is, or has been, convicted of a qualifying military offense*
16 *(as determined under subsection (e)).*

17 *“(b) ANALYSIS OF SAMPLES.—The Secretary con-*
18 *cerned shall furnish each DNA sample collected under sub-*
19 *section (a) to the Secretary of Defense. The Secretary of De-*
20 *fense shall carry out a DNA analysis on each such DNA*
21 *sample.*

22 *“(c) DEFINITIONS.—In this section:*

23 *“(1) The term ‘DNA sample’ means a tissue,*
24 *fluid, or other bodily sample of an individual on*
25 *which a DNA analysis can be carried out.*

1 “(2) *The term ‘DNA analysis’ means analysis of*
2 *the deoxyribonucleic acid (DNA) identification infor-*
3 *mation in a bodily sample.*

4 “(d) *USE IN CODIS.—(1) The Secretary of Defense*
5 *shall furnish the results of each DNA analysis carried out*
6 *under subsection (b) to the Director of the Federal Bureau*
7 *of Investigation for use in the Combined DNA Index System*
8 *(in this section referred to as ‘CODIS’) of the Federal Bu-*
9 *reau of Investigation.*

10 “(2) *The Secretary of Defense, in consultation with the*
11 *Director of the Federal Bureau of Investigation, shall estab-*
12 *lish procedures providing that if a DNA sample has been*
13 *collected from a person pursuant to subsection (a), and the*
14 *Secretary receives notice that each conviction of that person*
15 *of a qualifying military offense has been overturned, the*
16 *Secretary shall promptly transmit a notice of that fact to*
17 *the Director in accordance with section 210304(d) of the*
18 *Violent Crime Control and Law Enforcement Act of 1994.*

19 “(e) *QUALIFYING MILITARY OFFENSES.—(1) Subject*
20 *to paragraph (2), the Secretary of Defense, in consultation*
21 *with the Attorney General, shall determine those violent or*
22 *sexual offenses under the Uniform Code of Military Justice*
23 *that shall be considered for purposes of this section as quali-*
24 *fying military offenses.*

1 “(2) *An offense under the Uniform Code of Military*
2 *Justice that is equivalent to a serious violent felony (as that*
3 *term is defined in section 3559(c)(2)(F) of title 18), as de-*
4 *termined by the Secretary in consultation with the Attorney*
5 *General, shall be considered for purposes of this section as*
6 *a qualifying military offense.*

7 “(f) *WAIVER.—The Secretary of Defense may waive the*
8 *requirement of subsection (a) for a member if CODIS con-*
9 *tains a DNA analysis with respect to that member.*

10 “(g) *REGULATIONS.—This section shall be carried out*
11 *under regulations prescribed by the Secretary of Defense,*
12 *in consultation with the Secretary of Transportation and*
13 *the Attorney General. Those regulations shall apply, to the*
14 *extent practicable, uniformly throughout the armed forces.”.*

15 (2) *The table of sections at the beginning of such chap-*
16 *ter is amended by adding after the item relating to section*
17 *1564, as added by section 542(a)(2), the following new item:*

“1565. DNA identification information: collection from violent and sexual offend-
ers; use.”

18 (b) *INITIAL DETERMINATION OF QUALIFYING MILI-*
19 *TARY OFFENSES.—The initial determination of qualifying*
20 *military offenses under section 1565(e) of title 10, United*
21 *States Code, as added by subsection (a)(1), shall be made*
22 *not later than 120 days after the date of the enactment of*
23 *this Act.*

1 (c) *EXPANSION OF DNA IDENTIFICATION INDEX.*—
2 *Section 811(a) of the Antiterrorism and Effective Death*
3 *Penalty Act of 1996 (28 U.S.C. 531 note) is amended—*

4 (1) *by striking “and” at the end of paragraph*
5 *(1);*

6 (2) *by striking the period at the end of para-*
7 *graph (2) and inserting “; and”; and*

8 (3) *by inserting after paragraph (2) the fol-*
9 *lowing new paragraph:*

10 *“(3) the Director of the Federal Bureau of Inves-*
11 *tigation shall expand the combined DNA Identifica-*
12 *tion System (CODIS) to include analyses of DNA*
13 *samples collected from members of the Armed Forces*
14 *convicted of a qualifying military offense in accord-*
15 *ance with section 1565 of title 10, United States*
16 *Code.”.*

17 (d) *INDEX TO FACILITATE LAW ENFORCEMENT EX-*
18 *CHANGE OF DNA IDENTIFICATION INFORMATION.*—*Section*
19 *210304 of the Violent Crime Control and Law Enforcement*
20 *Act of 1994 (42 U.S.C. 14132) is amended—*

21 (1) *in subsection (a)—*

22 (A) *by striking “and” at the end of para-*
23 *graph (3);*

24 (B) *by striking the period at the end of*
25 *paragraph (4) and inserting “; and”; and*

1 (C) by inserting after paragraph (4) the fol-
2 lowing new paragraph:

3 “(5) analyses of DNA samples collected from
4 members of the Armed Forces convicted of a quali-
5 fying military offense in accordance with section
6 1565 of title 10, United States Code.”;

7 (2) in subsection (b)(2), by striking “, at regular
8 intervals of not to exceed 180 days,” and inserting
9 “semiannual”; and

10 (3) by adding at the end the following new sub-
11 section:

12 “(d) *EXPUNGEMENT OF RECORDS OF MILITARY OF-*
13 *FENDERS.*—If the Director of the Federal Bureau of Inves-
14 *tigation* receives a notice transmitted under section
15 *1565(d)(2)* of title 10, United States Code, the Director shall
16 *promptly expunge from the index described in subsection*
17 *(a) any DNA analysis furnished under section 1565(d)(1)*
18 *of such title with respect to the person described in the no-*
19 *tice.*”.

20 **SEC. 544. LIMITATION ON SECRETARIAL AUTHORITY TO**
21 **GRANT CLEMENCY FOR MILITARY PRISONERS**
22 **SERVING SENTENCE OF CONFINEMENT FOR**
23 **LIFE WITHOUT ELIGIBILITY FOR PAROLE.**

24 (a) *LIMITATION.*—Section 874(a) of title 10, United
25 *States Code (article 74(a) of the Uniform Code of Military*

1 *Justice), is amended by adding at the end the following new*
 2 *sentence: “However, in the case of a sentence of confinement*
 3 *for life without eligibility for parole, after the sentence is*
 4 *ordered executed, the authority of the Secretary concerned*
 5 *under the preceding sentence (1) may not be delegated, and*
 6 *(2) may be exercised only after the service of a period of*
 7 *confinement of not less than 20 years.”.*

8 **(b) EFFECTIVE DATE.**—*The amendment made by sub-*
 9 *section (a) shall not apply with respect to a sentence of con-*
 10 *finement for life without eligibility for parole that is ad-*
 11 *judged for an offense committed before the date of the enact-*
 12 *ment of this Act.*

13 **SEC. 545. AUTHORITY FOR CIVILIAN SPECIAL AGENTS OF**
 14 **MILITARY DEPARTMENT CRIMINAL INVES-**
 15 **TIGATIVE ORGANIZATIONS TO EXECUTE WAR-**
 16 **RANTS AND MAKE ARRESTS.**

17 **(a) DEPARTMENT OF THE ARMY.**—*(1) Chapter 373 of*
 18 *title 10, United States Code, is amended by adding at the*
 19 *end the following new section:*

20 **“§ 4027. Civilian special agents of the Criminal Inves-**
 21 **tigation Command: authority to execute**
 22 **warrants and make arrests**

23 **“(a) AUTHORITY.**—*The Secretary of the Army may*
 24 *authorize any Department of the Army civilian employee*
 25 *described in subsection (b) to have the same authority to*

1 *execute and serve warrants and other processes issued under*
2 *the authority of the United States and to make arrests with-*
3 *out a warrant as may be authorized under section 1585a*
4 *of this title for special agents of the Defense Criminal Inves-*
5 *tigative Service.*

6 “(b) *AGENTS TO HAVE AUTHORITY.*—Subsection (a)
7 *applies to any employee of the Department of the Army*
8 *who is a special agent of the Army Criminal Investigation*
9 *Command (or a successor to that command) whose duties*
10 *include conducting, supervising, or coordinating investiga-*
11 *tions of criminal activity in programs and operations of*
12 *the Department of the Army.*

13 “(c) *GUIDELINES FOR EXERCISE OF AUTHORITY.*—
14 *The authority provided under subsection (a) shall be exer-*
15 *cised in accordance with guidelines prescribed by the Sec-*
16 *retary of the Army and approved by the Secretary of De-*
17 *fense and the Attorney General and any other applicable*
18 *guidelines prescribed by the Secretary of the Army, the Sec-*
19 *retary of Defense, or the Attorney General.”.*

20 (2) *The table of sections at the beginning of such chap-*
21 *ter is amended by adding at the end following new item:*

*“4027. Civilian special agents of the Criminal Investigation Command: authority
to execute warrants and make arrests.”.*

22 (b) *DEPARTMENT OF THE NAVY.*—(1) *Chapter 643 of*
23 *title 10, United States Code, is amended by adding at the*
24 *end the following new section:*

1 **“§ 7451. Special agents of the Naval Criminal Inves-**
2 **tigative Service: authority to execute war-**
3 **rants and make arrests**

4 “(a) *AUTHORITY.*—*The Secretary of the Navy may au-*
5 *thorize any Department of the Navy civilian employee de-*
6 *scribed in subsection (b) to have the same authority to exe-*
7 *cute and serve warrants and other processes issued under*
8 *the authority of the United States and to make arrests with-*
9 *out a warrant as may be authorized under section 1585a*
10 *of this title for special agents of the Defense Criminal Inves-*
11 *tigative Service.*

12 “(b) *AGENTS TO HAVE AUTHORITY.*—*Subsection (a)*
13 *applies to any employee of the Department of the Navy who*
14 *is a special agent of the Naval Criminal Investigative Serv-*
15 *ice (or any successor to that service) whose duties include*
16 *conducting, supervising, or coordinating investigations of*
17 *criminal activity in programs and operations of the De-*
18 *partment of the Navy.*

19 “(c) *GUIDELINES FOR EXERCISE OF AUTHORITY.*—
20 *The authority provided under subsection (a) shall be exer-*
21 *cised in accordance with guidelines prescribed by the Sec-*
22 *retary of the Navy and approved by the Secretary of Defense*
23 *and the Attorney General and any other applicable guide-*
24 *lines prescribed by the Secretary of the Navy, the Secretary*
25 *of Defense, or the Attorney General.”.*

1 (2) *The table of sections at the beginning of such chap-*
2 *ter is amended by adding at the end following new item:*

 “7451. *Special agents of the Naval Criminal Investigative Service: authority to*
 execute warrants and make arrests.”.

3 (c) *DEPARTMENT OF THE AIR FORCE.—(1) Chapter*
4 *873 of title 10, United States Code, is amended by adding*
5 *at the end the following new section:*

6 “**§9027. Civilian special agents of the Office of Spe-**
7 **cial Investigations: authority to execute**
8 **warrants and make arrests**

9 “(a) *AUTHORITY.—The Secretary of the Air Force may*
10 *authorize any Department of the Air Force civilian em-*
11 *ployee described in subsection (b) to have the same author-*
12 *ity to execute and serve warrants and other processes issued*
13 *under the authority of the United States and to make ar-*
14 *rests without a warrant as may be authorized under section*
15 *1585a of this title for special agents of the Defense Criminal*
16 *Investigative Service.*

17 “(b) *AGENTS TO HAVE AUTHORITY.—Subsection (a)*
18 *applies to any employee of the Department of the Air Force*
19 *who is a special agent of the Air Force Office of Special*
20 *Investigations (or a successor to that office) whose duties*
21 *include conducting, supervising, or coordinating investiga-*
22 *tions of criminal activity in programs and operations of*
23 *the Department of the Air Force.*

1 “(c) *GUIDELINES FOR EXERCISE OF AUTHORITY.*—
 2 *The authority provided under subsection (a) shall be exer-*
 3 *cised in accordance with guidelines prescribed by the Sec-*
 4 *retary of the Air Force and approved by the Secretary of*
 5 *Defense and the Attorney General and any other applicable*
 6 *guidelines prescribed by the Secretary of the Air Force, the*
 7 *Secretary of Defense, or the Attorney General.”.*

8 (2) *The table of sections at the beginning of such chap-*
 9 *ter is amended by adding at the end following new item:*

*“9027. Civilian special agents of the Office of Special Investigations: authority to
 execute warrants and make arrests.”.*

10 ***Subtitle F—Other Matters***

11 ***SEC. 551. FUNERAL HONORS DUTY COMPENSATION.***

12 (a) *COMPENSATION OF MEMBERS OF THE NATIONAL*
 13 *GUARD.*—*Section 115(b)(2) of title 32, United States Code,*
 14 *is amended by inserting before the period at the end the*
 15 *following: “or compensation at the rate prescribed in section*
 16 *206 of title 37”.*

17 (b) *COMPENSATION OF MEMBERS OF A RESERVE COM-*
 18 *PONENT.*—*Section 12503(b)(2) of title 10, United States*
 19 *Code, is amended by inserting before the period at the end*
 20 *the following: “or compensation at the rate prescribed in*
 21 *section 206 of title 37”.*

22 (c) *CONFORMING AMENDMENT.*—*Section 435(c) of title*
 23 *37, United States Code, is repealed.*

1 (d) *EFFECTIVE DATE.*—*The amendments made by this*
2 *section shall apply with respect to funeral honors duty per-*
3 *formed on or after October 1, 2000.*

4 **SEC. 552. TEST OF ABILITY OF RESERVE COMPONENT IN-**
5 **TELLIGENCE UNITS AND PERSONNEL TO**
6 **MEET CURRENT AND EMERGING DEFENSE IN-**
7 **TELLIGENCE NEEDS.**

8 (a) *TEST PROGRAM REQUIRED.*—(1) *Beginning not*
9 *later than June 1, 2001, the Secretary of Defense shall con-*
10 *duct a three-year test program of reserve component intel-*
11 *ligence units and personnel. The purpose of the test pro-*
12 *gram shall be—*

13 (A) *to determine the most effective peacetime*
14 *structure and operational employment of reserve com-*
15 *ponent intelligence assets for meeting current and fu-*
16 *ture Department of Defense peacetime operational in-*
17 *telligence requirements; and*

18 (B) *to establish a means to coordinate and tran-*
19 *sition that peacetime intelligence operational support*
20 *network into use for meeting wartime requirements.*

21 (2) *The test program shall be carried out using the*
22 *Joint Reserve Intelligence Program and appropriate reserve*
23 *component intelligence units and personnel.*

24 (3) *In conducting the test program, the Secretary of*
25 *Defense shall expand the current Joint Reserve Intelligence*

1 *Program as needed to meet the objectives of the test pro-*
2 *gram.*

3 **(b) OVERSIGHT PANEL.**—*The Secretary shall establish*
4 *an oversight panel to structure the test program so as to*
5 *achieve the objectives of the test program, ensure proper*
6 *funding for the test program, and oversee the conduct and*
7 *evaluation of the test program. The panel members shall*
8 *include—*

9 (1) *the Assistant Secretary of Defense for Com-*
10 *mand, Control, Communications and Intelligence;*

11 (2) *the Assistant Secretary of Defense for Reserve*
12 *Affairs; and*

13 (3) *representatives from the Defense Intelligence*
14 *Agency, the Army, Navy, Air Force, and Marine*
15 *Corps, the Joint Staff, and the combatant commands.*

16 **(c) TEST PROGRAM OBJECTIVES.**—*The test program*
17 *shall have the following objectives:*

18 (1) *To identify the range of peacetime roles and*
19 *missions that are appropriate for reserve component*
20 *intelligence units and personnel, including the fol-*
21 *lowing missions: counterdrug, counterintelligence,*
22 *counterterrorism, information operations, information*
23 *warfare, and other emerging threats.*

24 (2) *To recommend a process for justifying and*
25 *validating reserve component intelligence force struc-*

1 *ture and manpower to support the peacetime roles*
2 *and missions identified under paragraph (1) and to*
3 *establish a means to coordinate and transition that*
4 *peacetime operational support network and structure*
5 *into wartime requirements.*

6 *(3) To provide, pursuant to paragraphs (1) and*
7 *(2), the basis for new or revised intelligence and re-*
8 *serve component policy guidelines for the peacetime*
9 *use, organization, management, infrastructure ,and*
10 *funding of reserve component intelligence units and*
11 *personnel.*

12 *(4) To determine the most effective structure, or-*
13 *ganization, manning, and management of Joint Re-*
14 *serve Intelligence Centers to enable them to be both re-*
15 *serve training facilities and virtual collaborative pro-*
16 *duction facilities in support of Department of Defense*
17 *peacetime operational intelligence requirements.*

18 *(5) To determine the most effective uses of tech-*
19 *nology for virtual collaborative intelligence oper-*
20 *ational support during peacetime and wartime.*

21 *(6) To determine personnel and career manage-*
22 *ment initiatives or modifications that are required to*
23 *improve the recruiting and retention of personnel in*
24 *the reserve component intelligence specialties and oc-*
25 *cupational skills.*

1 (7) *To identify and make recommendations for*
2 *the elimination of statutory prohibitions and barriers*
3 *to using reserve component intelligence units and in-*
4 *dividuals to carry out peacetime operational require-*
5 *ments.*

6 (d) *REPORTS.*—*The Secretary of Defense shall submit*
7 *to Congress—*

8 (1) *interim reports on the status of the test pro-*
9 *gram not later than July 1, 2002, and July 1, 2003;*
10 *and*

11 (2) *a final report, with such recommendations*
12 *for changes as the Secretary considers necessary, not*
13 *later than December 1, 2004.*

14 **SEC. 553. NATIONAL GUARD CHALLENGE PROGRAM.**

15 (a) *EXPENDITURE LIMITATIONS.*—*Subsection (b) of*
16 *section 509 of title 32, United States Code, is amended—*

17 (1) *by inserting “(1)” before “The Secretary of*
18 *Defense”;*

19 (2) *by striking “, except that Federal expendi-*
20 *tures under the program may not exceed \$62,500,000*
21 *for any fiscal year”;* and

22 (3) *by adding at the end the following new para-*
23 *graph:*

24 “(2) *The Secretary shall carry out the National Guard*
25 *Challenge Program using funds appropriated directly to the*

1 *Secretary for the program and nondefense Federal funds*
2 *made available or transferred to the Secretary by other Fed-*
3 *eral agencies to support the program. However, the amount*
4 *of funds appropriated directly to the Secretary of Defense*
5 *and expended for the program in a fiscal year may not*
6 *exceed \$62,500,000.”.*

7 *(b) REGULATIONS.—Such section is further amended*
8 *by adding at the end the following new subsection:*

9 *“(m) REGULATIONS.—The Secretary of Defense shall*
10 *prescribe regulations to carry out the National Guard Chal-*
11 *lenge Program. The regulations shall address at a min-*
12 *imum the following:*

13 *“(1) The terms to be included in the program*
14 *agreements required by subsection (d).*

15 *“(2) The qualifications for persons to participate*
16 *in the program, as required by subsection (e).*

17 *“(3) The benefits authorized for program partici-*
18 *pants, as required by subsection (f).*

19 *“(4) The status of National Guard personnel as-*
20 *signed to duty in support of the program.*

21 *“(5) The conditions for the use of National*
22 *Guard facilities and equipment to carry out the pro-*
23 *gram, as required by subsection (h).*

24 *“(6) The status of program participants, as de-*
25 *scribed in subsection (i).*

1 *and combat support missions those military pilots*
2 *and other personnel who now perform such oper-*
3 *ational support missions; and*

4 (2) *the effect on retention of military pilots and*
5 *other personnel if they are no longer required to fly*
6 *operational support missions.*

7 (c) *SUBMISSION OF REPORT.*—*The Secretary shall*
8 *submit a report containing the results of the study to the*
9 *Committee on Armed Services of the Senate and the Com-*
10 *mittee on Armed Services of the House of Representatives*
11 *not later than six months after the date of the enactment*
12 *of this Act.*

13 **SEC. 555. PILOT PROGRAM TO ENHANCE MILITARY RE-**
14 **CRUITING BY IMPROVING MILITARY AWARE-**
15 **NESS OF SCHOOL COUNSELORS AND EDU-**
16 **CATORS.**

17 (a) *IN GENERAL.*—*The Secretary of Defense shall con-*
18 *duct a pilot program to determine if cooperation with mili-*
19 *tary recruiters by local educational agencies and by institu-*
20 *tions of higher education could be enhanced by improving*
21 *the understanding of school counselors and educators about*
22 *military recruiting and military career opportunities. The*
23 *pilot program shall be conducted during a three-year period*
24 *beginning not later than 180 days after the date of the en-*
25 *actment of this Act.*

1 (b) *CONDUCT OF PILOT PROGRAM THROUGH PARTICI-*
2 *PATION IN INTERACTIVE INTERNET SITE.*—(1) *The pilot*
3 *program shall be conducted by means of participation by*
4 *the Department of Defense in a qualifying interactive Inter-*
5 *net site.*

6 (2) *For purposes of this section, a qualifying inter-*
7 *active Internet site is an Internet site in existence as of*
8 *the date of the enactment of this Act that is designed to*
9 *provide to employees of local educational agencies and insti-*
10 *tutions of higher education participating in the Internet*
11 *site—*

12 (A) *systems for communicating;*

13 (B) *resources for individual professional develop-*
14 *ment;*

15 (C) *resources to enhance individual on-the-job ef-*
16 *fectiveness; and*

17 (D) *resources to improve organizational effective-*
18 *ness.*

19 (3) *Participation in an Internet site by the Depart-*
20 *ment of Defense for purposes of this section shall include—*

21 (A) *funding;*

22 (B) *assistance; and*

23 (C) *access by other Internet site participants to*
24 *Department of Defense aptitude testing programs, ca-*
25 *reer development information, and other resources, in*

1 *addition to information on military recruiting and*
2 *career opportunities.*

3 (c) *REPORT.*—*The Secretary of Defense shall submit*
4 *to the Committee on Armed Services of the Senate and the*
5 *Committee on Armed Services of the House of Representa-*
6 *tives a report providing the Secretary’s findings and con-*
7 *clusions on the pilot program not later than 180 days after*
8 *the end of the three-year program period.*

9 **SEC. 556. REIMBURSEMENT FOR EXPENSES INCURRED BY**
10 **MEMBERS IN CONNECTION WITH CANCELLA-**
11 **TION OF LEAVE ON SHORT NOTICE.**

12 (a) *IN GENERAL.*—(1) *Chapter 157 of title 10, United*
13 *States Code, is amended by adding at the end the following*
14 *new section:*

15 **“§2647. Reimbursement for expenses incurred in con-**
16 **nection with leave canceled due to contin-**
17 **gency operations**

18 “(a) *AUTHORIZATION TO REIMBURSE.*—*The Secretary*
19 *concerned may reimburse a member of the armed forces*
20 *under the jurisdiction of the Secretary for travel and related*
21 *expenses (to the extent not otherwise reimbursable under*
22 *law) incurred by the member as a result of the cancellation*
23 *of previously approved leave when the leave is canceled in*
24 *connection with the member’s participation in a contin-*

1 *gency operation and the cancellation occurs within 48 hours*
 2 *of the time the leave would have commenced.*

3 “(b) *REGULATIONS.*—*The Secretary of Defense shall*
 4 *prescribe regulations to establish the criteria for the appli-*
 5 *cability of subsection (a).*

6 “(c) *CONCLUSIVENESS OF SETTLEMENT.*—*The settle-*
 7 *ment of an application for reimbursement under subsection*
 8 *(a) is final and conclusive.”.*

9 (2) *The table of sections at the beginning of such chap-*
 10 *ter is amended by adding at the end the following new item:*

“2647. Reimbursement for expenses incurred in connection with leave canceled due to contingency operations.”.

11 (b) *EFFECTIVE DATE.*—*Section 2647 of title 10,*
 12 *United States Code, as added by subsection (a) shall apply*
 13 *with respect to any travel and related expenses incurred*
 14 *by a member in connection with leave canceled after the*
 15 *date of the enactment of this Act.*

16 **TITLE VI—COMPENSATION AND**
 17 **OTHER PERSONNEL BENEFITS**
 18 **Subtitle A—Pay and Allowances**

19 **SEC. 601. INCREASE IN BASIC PAY FOR FISCAL YEAR 2001.**

20 (a) *WAIVER OF SECTION 1009 ADJUSTMENT.*—*The ad-*
 21 *justment to become effective during fiscal year 2001 re-*
 22 *quired by section 1009 of title 37, United States Code, in*
 23 *the rates of monthly basic pay authorized members of the*
 24 *uniformed services shall not be made.*

1 (b) *INCREASE IN BASIC PAY.*—Effective on January
2 1, 2001, the rates of monthly basic pay for members of the
3 uniformed services are increased by 3.7 percent.

4 **SEC. 602. REVISED METHOD FOR CALCULATION OF BASIC**
5 **ALLOWANCE FOR SUBSISTENCE.**

6 (a) *ANNUAL REVISION OF RATE.*—Section 402(b)(1) of
7 title 37, United States Code, is amended by striking para-
8 graph (1) and inserting the following new paragraph:

9 “(1) The monthly rate of basic allowance for subsist-
10 ence to be in effect for an enlisted member for a year (begin-
11 ning on January 1 of that year) shall be equal to the sum
12 of—

13 “(A) the monthly rate of basic allowance for sub-
14 sistence that was in effect for an enlisted member for
15 the preceding year; plus

16 “(B) the product of the monthly rate under sub-
17 paragraph (A) and the percentage increase in the
18 monthly cost of a liberal food plan for a male in the
19 United States who is between 20 and 50 years of age
20 over the preceding fiscal year, as determined by the
21 Secretary of Agriculture each October 1.”.

22 (b) *EARLY TERMINATION OF BAS TRANSITIONAL AU-*
23 *THORITY.*—Subsections (c) through (f) of section 602 of the
24 National Defense Authorization Act for Fiscal Year 1998
25 (Public Law 105–85; 37 U.S.C. 402 note) are repealed.

1 (c) *EFFECTIVE DATE.*—*The amendments made by this*
2 *section shall take effect on October 1, 2001.*

3 **SEC. 603. FAMILY SUBSISTENCE SUPPLEMENTAL ALLOW-**
4 **ANCE FOR LOW-INCOME MEMBERS OF THE**
5 **ARMED FORCES.**

6 (a) *SUPPLEMENTAL ALLOWANCE AUTHORIZED.*—(1)
7 *Chapter 7 of title 37, United States Code, is amended by*
8 *inserting after section 402 the following new section:*

9 **“§ 402a. Supplemental subsistence allowance for low-**
10 **income members with dependents**

11 “(a) *SUPPLEMENTAL ALLOWANCE AUTHORIZED.*—(1)
12 *The Secretary concerned may increase the basic allowance*
13 *for subsistence to which a member of the armed forces de-*
14 *scribed in subsection (b) is otherwise entitled under section*
15 *402 of this title by an amount (in this section referred to*
16 *as the ‘supplemental subsistence allowance’) designed to re-*
17 *move the member’s household from eligibility for benefits*
18 *under the food stamp program.*

19 “(2) *The supplemental subsistence allowance may not*
20 *exceed \$500 per month. In establishing the amount of the*
21 *supplemental subsistence allowance to be paid an eligible*
22 *member under this paragraph, the Secretary shall take into*
23 *consideration the amount of the basic allowance for housing*
24 *that the member receives under section 403 of this title or*
25 *would otherwise receive under such section, in the case of*

1 *a member who is not entitled to that allowance as a result*
2 *of assignment to quarters of the United States or a housing*
3 *facility under the jurisdiction of a uniformed service.*

4 “(3) *In the case of a member described in subsection*
5 *(b) who establishes to the satisfaction of the Secretary con-*
6 *cerned that the allotment of the member’s household under*
7 *the food stamp program, calculated in the absence of the*
8 *supplemental subsistence allowance, would exceed the*
9 *amount established by the Secretary concerned under para-*
10 *graph (2), the amount of the supplemental subsistence al-*
11 *lowance for the member shall be equal to the lesser of the*
12 *following:*

13 “(A) *The value of that allotment.*

14 “(B) *\$500.*

15 “(b) *ELIGIBLE MEMBERS.—(1) Subject to subsection*
16 *(d), a member of the armed forces is eligible to receive the*
17 *supplemental subsistence allowance if the Secretary con-*
18 *cerned determines that the member’s income, together with*
19 *the income of the rest of the member’s household (if any),*
20 *is within the highest income standard of eligibility, as then*
21 *in effect under section 5(c) of the Food Stamp Act of 1977*
22 *(7 U.S.C. 2014(c)) and without regard to paragraph (1)*
23 *of such section, for participation in the food stamp pro-*
24 *gram.*

1 “(2) *In determining whether a member meets the eligi-*
2 *bility criteria under paragraph (1), the Secretary—*

3 “(A) *shall not take into consideration the*
4 *amount of the supplemental subsistence allowance*
5 *payable under this section; but*

6 “(B) *shall take into consideration the amount of*
7 *the basic allowance for housing that the member re-*
8 *ceives under section 403 of this title or would other-*
9 *wise receive under such section, in the case of a mem-*
10 *ber who is not entitled to that allowance as a result*
11 *of assignment to quarters of the United States or a*
12 *housing facility under the jurisdiction of a uniformed*
13 *service.*

14 “(c) *APPLICATION FOR ALLOWANCE.—To request the*
15 *supplemental subsistence allowance, a member shall submit*
16 *an application to the Secretary concerned in such form and*
17 *containing such information as the Secretary concerned*
18 *may prescribe. A member applying for the supplemental*
19 *subsistence allowance shall furnish such evidence regarding*
20 *the member’s satisfaction of the eligibility criteria under*
21 *subsection (b) as the Secretary concerned may require.*

22 “(d) *EFFECTIVE PERIOD.—The eligibility of a member*
23 *to receive the supplemental subsistence allowance terminates*
24 *upon the occurrence of any of the following events, even*

1 *though the member continues to meet the eligibility criteria*
2 *described in subsection (b):*

3 “(1) *Payment of the supplemental subsistence al-*
4 *lowance for 12 consecutive months.*

5 “(2) *Promotion of the member to a higher grade.*

6 “(3) *Transfer of the member in a permanent*
7 *change of station.*

8 “(e) *REAPPLICATION.*—*Upon the termination of the ef-*
9 *fective period of the supplemental subsistence allowance for*
10 *a member, or in anticipation of the imminent termination*
11 *of the allowance, a member may reapply for the allowance*
12 *under subsection (c) if the member continues to meet, or*
13 *once again meets, the eligibility criteria described in sub-*
14 *section (b).*

15 “(f) *REPORTING REQUIREMENT.*—*Not later than*
16 *March 1 of each year after 2001, the Secretary of Defense*
17 *shall submit to Congress a report specifying the number of*
18 *members of the armed forces who received, at any time dur-*
19 *ing the preceding year, the supplemental subsistence allow-*
20 *ance. In preparing the report, the Secretary of Defense shall*
21 *consult with the Secretary of Transportation. No report is*
22 *required under this subsection after March 1, 2006.*

23 “(g) *DEFINITIONS.*—*In this section:*

24 “(1) *The term ‘Secretary concerned’ means the*
25 *Secretary of Defense, and the Secretary of Transpor-*

1 *tation, with respect to the Coast Guard when it is not*
 2 *operating as a service in the Navy.*

3 “(2) *The terms ‘allotment’ and ‘household’ have*
 4 *the meanings given those terms in section 3 of the*
 5 *Food Stamp Act of 1977 (7 U.S.C. 2012).*

6 “(3) *The term ‘food stamp program’ means the*
 7 *program established pursuant to section 4 of the Food*
 8 *Stamp Act of 1977 (7 U.S.C. 2013).*

9 “(h) *TERMINATION OF AUTHORITY.—No supplemental*
 10 *subsistence allowance may be made under this section after*
 11 *September 30, 2006.”.*

12 (2) *The table of sections at the beginning of such chap-*
 13 *ter is amended by inserting after the item relating to section*
 14 *402 the following:*

“402a. Supplemental subsistence allowance for low-income members with depend-
ents.”.

15 (b) *EFFECTIVE DATE.—Section 402a of title 37,*
 16 *United States Code, as added by subsection (a), shall take*
 17 *effect on the first day of the first month that begins not*
 18 *less than 180 days after the date of the enactment of this*
 19 *Act.*

20 **SEC. 604. CALCULATION OF BASIC ALLOWANCE FOR HOUS-**
 21 **ING FOR INSIDE THE UNITED STATES.**

22 (a) *SECRETARY OF DEFENSE TO PRESCRIBE*
 23 *RATES.—Paragraph (2) of section 403(b) of title 37, United*
 24 *States Code, is amended to read as follows:*

1 “(2) *The Secretary of Defense shall prescribe the*
2 *monthly amount of the basic allowance for housing for a*
3 *member of a uniformed service who is entitled to the allow-*
4 *ance in a military housing area in the United States at*
5 *a rate based upon the costs of adequate housing in the area*
6 *determined under paragraph (1).”.*

7 **(b) MINIMUM ANNUAL AMOUNT AVAILABLE FOR**
8 **HOUSING ALLOWANCES.**—*Paragraph (3) of such section is*
9 *amended to read as follows:*

10 “(3) *The total amount that may be paid for a fiscal*
11 *year for the basic allowance for housing under this sub-*
12 *section may not be less than the product of—*

13 “(A) *the total amount authorized to be paid for*
14 *such allowance for the preceding fiscal year; and*

15 “(B) *a fraction—*

16 “(i) *the numerator of which is the index of*
17 *the national average monthly cost of housing for*
18 *June of the preceding fiscal year; and*

19 “(ii) *the denominator of which is the index*
20 *of the national average monthly cost of housing*
21 *for June of the second preceding fiscal year.”.*

22 **(c) REPEAL OF REQUIRED ADJUSTMENT.**—*Paragraph*
23 *(5) of such section is repealed.*

24 **(d) BASIS FOR REDUCTION IN MEMBER’S ALLOW-**
25 **ANCE.**—*Paragraph (6) of such section is amended by strik-*

1 ing “, changes in the national average monthly cost of hous-
2 ing,”.

3 (e) *EXTENSION OF TRANSITION PERIOD.*—Section
4 603(b) of the National Defense Authorization Act for Fiscal
5 Year 1998 (Public Law 105–85; 37 U.S.C. 403 note) is
6 amended by striking “six years” and inserting “eight
7 years”.

8 (f) *READJUSTMENT OF ALLOWANCE FOR CERTAIN PE-*
9 *RIOD.*—A member of the uniformed services who was enti-
10 tled to the basic allowance for housing for a military hous-
11 ing area in the United States during the period that began
12 on January 1, 2000, and ended on March 1, 2000, shall
13 be paid the allowance at a monthly rate not less than the
14 rate in effect on December 31, 1999, in that area for mem-
15 bers serving in the same pay grade and with the same de-
16 pendency status as the member.

17 **SEC. 605. EQUITABLE TREATMENT OF JUNIOR ENLISTED**
18 **MEMBERS IN COMPUTATION OF BASIC AL-**
19 **LOWANCE FOR HOUSING.**

20 (a) *DETERMINATION OF COSTS OF ADEQUATE HOUS-*
21 *ING.*—Subsection (b)(1) of section 403 of title 37, United
22 States Code, is amended by adding at the end the following
23 new sentence: “In determining what constitutes adequate
24 housing for members, the Secretary may not differentiate

1 *between members with dependents in pay grades E-1*
2 *through E-4.”.*

3 *(b) SINGLE RATE; MINIMUM.—Subsection (b) of such*
4 *section, as amended by section 604(c) of this Act, is further*
5 *amended by inserting after paragraph (4) the following new*
6 *paragraph:*

7 *“(5) The Secretary shall establish a single monthly*
8 *rate for members of the uniformed services with dependents*
9 *in pay grades E-1 through E-4 in the same military hous-*
10 *ing area. The rate shall be consistent with the rates paid*
11 *to members in pay grades other than pay grades E-1*
12 *through E-4 and shall be based on the following:*

13 *“(A) The average cost of a two-bedroom apart-*
14 *ment in that military housing area.*

15 *“(B) One-half of the difference between the aver-*
16 *age cost of a two-bedroom townhouse in that area and*
17 *the amount determined in subparagraph (A).”.*

18 *(c) EFFECTIVE DATE.—The amendments made by this*
19 *section shall take effect on July 1, 2001.*

20 **SEC. 606. BASIC ALLOWANCE FOR HOUSING AUTHORIZED**
21 **FOR ADDITIONAL MEMBERS WITHOUT DE-**
22 **PENDENTS WHO ARE ON SEA DUTY.**

23 *(a) PAYMENT AUTHORIZED.—Subsection (f)(2)(B) of*
24 *section 403 of title 37, United States Code, is amended by*

1 *striking “E-5” both places it appears and inserting “E-*
 2 *4 or E-5”.*

3 *(b) CONFORMING AMENDMENT.—Subsection (m)(1)(B)*
 4 *of such section is amended by striking “E-4” and inserting*
 5 *“E-3”.*

6 *(c) EFFECTIVE DATE.—The amendments made by this*
 7 *section shall take effect on October 1, 2001.*

8 **SEC. 607. PERSONAL MONEY ALLOWANCE FOR SENIOR EN-**
 9 **LISTED MEMBERS OF THE ARMED FORCES.**

10 *(a) AUTHORITY.—Section 414 of title 37, United*
 11 *States Code, is amended by adding at the end the following*
 12 *new subsection:*

13 *“(c) ALLOWANCE FOR SENIOR ENLISTED MEMBERS.—*
 14 *In addition to other pay or allowances authorized by this*
 15 *title, a noncommissioned officer is entitled to a personal*
 16 *money allowance of \$2,000 a year while serving as the Ser-*
 17 *geant Major of the Army, the Master Chief Petty Officer*
 18 *of the Navy, the Chief Master Sergeant of the Air Force,*
 19 *the Sergeant Major of the Marine Corps, or the Master Chief*
 20 *Petty Officer of the Coast Guard.”.*

21 *(b) STYLISTIC AMENDMENTS.—Such section is further*
 22 *amended—*

23 *(1) in subsection (a), by inserting “ALLOWANCE*
 24 *FOR OFFICERS SERVING IN CERTAIN RANKS OR POSI-*
 25 *TIONS.—” after “(a)”;* and

1 (2) in subsection (b), by inserting “ALLOWANCE
2 FOR CERTAIN NAVAL OFFICERS.—” after “(b)”.

3 (b) *EFFECTIVE DATE.*—The amendments made by this
4 section shall take effect on October 1, 2000.

5 **SEC. 608. ALLOWANCE FOR OFFICERS FOR PURCHASE OF**
6 **REQUIRED UNIFORMS AND EQUIPMENT.**

7 (a) *INITIAL ALLOWANCE FOR OFFICERS.*—Section
8 415(a) of title 37, United States Code, is amended by strik-
9 ing “\$200” and inserting “\$400”.

10 (b) *ADDITIONAL ALLOWANCE.*—Section 416(a) of such
11 title is amended by striking “\$100” and inserting “\$200”.

12 (c) *EFFECTIVE DATE.*—The amendments made by this
13 section shall take effect on October 1, 2000.

14 **SEC. 609. INCREASE IN MONTHLY SUBSISTENCE ALLOW-**
15 **ANCE FOR MEMBERS OF PRECOMMISSIONING**
16 **PROGRAMS.**

17 (a) *MINIMUM AND MAXIMUM RATES.*—Subsection (a)
18 of section 209 of title 37, United States Code, is amended—

19 (1) by inserting “(1)” before “Except”;

20 (2) by striking “subsistence allowance of \$200 a
21 month” and inserting “monthly subsistence allowance
22 at a rate prescribed under paragraph (2)”;

23 (3) by striking “Subsistence” and inserting the
24 following:

25 “(3) A subsistence”; and

1 (4) *by inserting after the first sentence the fol-*
2 *lowing:*

3 “(2) *The Secretary of Defense shall prescribe by regula-*
4 *tion the monthly rates for subsistence allowances provided*
5 *under this section. The rate may not be less than \$250 per*
6 *month, but may not exceed \$600 per month.*”.

7 (b) *CONFORMING AMENDMENTS.—(1) Subsection (b) of*
8 *such section is amended by striking “in the amount pro-*
9 *vided in subsection (a)” and inserting “at a rate prescribed*
10 *under subsection (a)(2)”.*

11 (2) *Subsection (d) of such section is amended by strik-*
12 *ing “the same rate as that prescribed by subsection (a),”*
13 *and inserting “the monthly rate prescribed under subsection*
14 *(a)(2)”.*

15 (c) *STYLISTIC AMENDMENTS.—Such section is further*
16 *amended—*

17 (1) *in subsection (a), by inserting “SENIOR*
18 *ROTC MEMBERS IN ADVANCED TRAINING.—” after*
19 *“(a)”;*

20 (2) *in subsection (b), by inserting “SENIOR*
21 *ROTC MEMBERS APPOINTED IN RESERVES.—” after*
22 *“(b)”;*

23 (3) *in subsection (c), by inserting “PAY WHILE*
24 *ATTENDING TRAINING OR PRACTICE CRUISE.—” after*
25 *“(c)” the first place it appears; and*

1 (4) in subsection (d), by inserting “MEMBERS OF
2 *MARINE CORPS OFFICER CANDIDATE PROGRAM.—*”
3 after “(d)”.

4 (d) *EFFECTIVE DATE.—*The amendments made by
5 subsections (a) and (b) shall take effect October 1, 2001.

6 **SEC. 610. ADDITIONAL AMOUNT AVAILABLE FOR FISCAL**
7 **YEAR 2001 INCREASE IN BASIC ALLOWANCE**
8 **FOR HOUSING INSIDE THE UNITED STATES.**

9 *In addition to the amount determined by the Secretary*
10 *of Defense under section 403(b)(3) of title 37, United States*
11 *Code (as amended by section 604(b)), to be the total amount*
12 *to be paid during fiscal year 2001 for the basic allowance*
13 *for housing for military housing areas inside the United*
14 *States, \$30,000,000 of the amount authorized to be appro-*
15 *priated by section 421 for military personnel shall be used*
16 *by the Secretary to further increase the total amount avail-*
17 *able for the basic allowance for housing for military housing*
18 *areas inside the United States.*

19 **Subtitle B—Bonuses and Special**
20 **and Incentive Pays**

21 **SEC. 611. EXTENSION OF CERTAIN BONUSES AND SPECIAL**
22 **PAY AUTHORITIES FOR RESERVE FORCES.**

23 (a) *SPECIAL PAY FOR HEALTH PROFESSIONALS IN*
24 *CRITICALLY SHORT WARTIME SPECIALTIES.—*Section
25 302g(f) of title 37, United States Code, is amended by strik-

1 *ing “December 31, 2000” and inserting “December 31,*
2 *2001”.*

3 **(b) SELECTED RESERVE REENLISTMENT BONUS.**—
4 *Section 308b(f) of such title is amended by striking “Decem-*
5 *ber 31, 2000” and inserting “December 31, 2001”.*

6 **(c) SELECTED RESERVE ENLISTMENT BONUS.**—*Sec-*
7 *tion 308c(e) of such title is amended by striking “December*
8 *31, 2000” and inserting “December 31, 2001”.*

9 **(d) SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED**
10 *TO CERTAIN HIGH PRIORITY UNITS.*—*Section 308d(c) of*
11 *such title is amended by striking “December 31, 2000” and*
12 *inserting “December 31, 2001”.*

13 **(e) SELECTED RESERVE AFFILIATION BONUS.**—*Sec-*
14 *tion 308e(e) of such title is amended by striking “December*
15 *31, 2000” and inserting “December 31, 2001”.*

16 **(f) READY RESERVE ENLISTMENT AND REENLISTMENT**
17 *BONUS.*—*Section 308h(g) of such title is amended by strik-*
18 *ing “December 31, 2000” and inserting “December 31,*
19 *2001”.*

20 **(g) PRIOR SERVICE ENLISTMENT BONUS.**—*Section*
21 *308i(f) of such title is amended by striking “December 31,*
22 *2000” and inserting “December 31, 2001”.*

23 **(h) REPAYMENT OF EDUCATION LOANS FOR CERTAIN**
24 *HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED*
25 *RESERVE.*—*Section 16302(d) of title 10, United States*

1 Code, is amended by striking “January 1, 2001” and in-
2 serting “January 1, 2002”.

3 **SEC. 612. EXTENSION OF CERTAIN BONUSES AND SPECIAL**
4 **PAY AUTHORITIES FOR NURSE OFFICER CAN-**
5 **DIDATES, REGISTERED NURSES, AND NURSE**
6 **ANESTHETISTS.**

7 (a) *NURSE OFFICER CANDIDATE ACCESSION PRO-*
8 *GRAM.*—Section 2130a(a)(1) of title 10, United States Code,
9 is amended by striking “December 31, 2000” and inserting
10 “December 31, 2001”.

11 (b) *ACCESSION BONUS FOR REGISTERED NURSES.*—
12 Section 302d(a)(1) of title 37, United States Code, is
13 amended by striking “December 31, 2000” and inserting
14 “December 31, 2001”.

15 (c) *INCENTIVE SPECIAL PAY FOR NURSE ANES-*
16 *THETISTS.*—Section 302e(a)(1) of title 37, United States
17 Code, is amended by striking “December 31, 2000” and in-
18 serting “December 31, 2001”.

19 **SEC. 613. EXTENSION OF AUTHORITIES RELATING TO PAY-**
20 **MENT OF OTHER BONUSES AND SPECIAL**
21 **PAYS.**

22 (a) *AVIATION OFFICER RETENTION BONUS.*—Section
23 301b(a) of title 37, United States Code, is amended by strik-
24 ing “December 31, 2000,” and inserting “December 31,
25 2001,”.

1 (b) *REENLISTMENT BONUS FOR ACTIVE MEMBERS.*—
2 *Section 308(g) of such title is amended by striking “Decem-*
3 *ber 31, 2000” and inserting “December 31, 2001”.*

4 (c) *ENLISTMENT BONUS FOR PERSONS WITH CRIT-*
5 *ICAL SKILLS.*—*Section 308a(d) of such title is amended by*
6 *striking “December 31, 2000” and inserting “September 30,*
7 *2001”.*

8 (d) *ARMY ENLISTMENT BONUS.*—*Section 308f(c) of*
9 *such title is amended by striking “December 31, 2000” and*
10 *inserting “September 30, 2001”.*

11 (e) *SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS*
12 *EXTENDING PERIOD OF ACTIVE SERVICE.*—*Section 312(e)*
13 *of such title is amended by striking “December 31, 2000”*
14 *and inserting “December 31, 2001”.*

15 (f) *NUCLEAR CAREER ACCESSION BONUS.*—*Section*
16 *312b(c) of such title is amended by striking “December 31,*
17 *2000” and inserting “December 31, 2001”.*

18 (g) *NUCLEAR CAREER ANNUAL INCENTIVE BONUS.*—
19 *Section 312c(d) of such title is amended by striking “De-*
20 *cember 31, 2000” and inserting “December 31, 2001”.*

21 **SEC. 614. CONSISTENCY OF AUTHORITIES FOR SPECIAL PAY**
22 **FOR RESERVE MEDICAL AND DENTAL OFFI-**
23 **CERS.**

24 (a) *CONSISTENT DESCRIPTIONS OF ACTIVE DUTY.*—
25 *Section 302(h)(1) of title 37, United States Code, is amend-*

1 *ed by inserting before the period at the end the following:*
2 *“, including active duty in the form of annual training,*
3 *active duty for training, and active duty for special work”.*

4 *(b) RELATION TO OTHER SPECIAL PAY AUTHORI-*
5 *TIES.—Subsection (d) of section 302f of such title is amend-*
6 *ed to read as follows:*

7 *“(d) EXCEPTION.—While a reserve medical or dental*
8 *officer receives a special pay under section 302 or 302b of*
9 *this title by reason of subsection (a), the officer shall not*
10 *be entitled to special pay under section 302(h) or 302b(h)*
11 *of this title.”.*

12 **SEC. 615. SPECIAL PAY FOR COAST GUARD PHYSICIAN AS-**
13 **SISTANTS.**

14 *Section 302c(d)(1) of title 37, United States Code, is*
15 *amended by inserting “an officer in the Coast Guard or*
16 *Coast Guard Reserve designated as a physician assistant,”*
17 *after “nurse,”.*

18 **SEC. 616. SPECIAL DUTY ASSIGNMENT PAY FOR ENLISTED**
19 **MEMBERS.**

20 *(a) INCREASE IN MONTHLY RATE.—Subsection (a) of*
21 *section 307 of title 37, United States Code, is amended by*
22 *striking “\$275” and inserting “\$600”.*

23 *(b) ELIMINATION OF SEPARATE RATE FOR RECRUIT-*
24 *ERS.—Such subsection is further amended by striking the*
25 *last sentence.*

1 (c) *EFFECTIVE DATE.*—*The amendments made by this*
2 *section shall take effect on October 1, 2001, and shall apply*
3 *with respect to months beginning on or after that date.*

4 **SEC. 617. REVISION OF CAREER SEA PAY.**

5 (a) *IN GENERAL.*—*Section 305a of title 37, United*
6 *States Code, is amended by striking subsections (a), (b),*
7 *and (c) and inserting the following new subsections:*

8 “(a) *AVAILABILITY OF SPECIAL PAY.*—*A member of a*
9 *uniformed service who is entitled to basic pay is also enti-*
10 *tled, while on sea duty, to career sea pay at a monthly rate*
11 *prescribed by the Secretary concerned, but not to exceed*
12 *\$750 per month.*

13 “(b) *ELIGIBILITY FOR PREMIUM.*—*A member of a uni-*
14 *formed service entitled to career sea pay under subsection*
15 *(a) who has served 36 consecutive months of sea duty is*
16 *also entitled to a career sea pay premium for the 37th con-*
17 *secutive month and each subsequent consecutive month of*
18 *sea duty served by the member. The monthly amount of the*
19 *premium shall be prescribed by the Secretary concerned, but*
20 *may not exceed \$350 per month.*

21 “(c) *REGULATIONS.*—*The Secretaries concerned shall*
22 *prescribe regulations to carry out this section. Regulations*
23 *prescribed by the Secretary of a military department shall*
24 *be subject to the approval of the Secretary of Defense.”.*

1 (b) *STYLISTIC AMENDMENT.*—Subsection (d) of such
2 section is amended by striking “(d)” and inserting “(d)
3 *DEFINITION OF SEA DUTY.*—”.

4 (c) *EFFECTIVE DATE.*—The amendments made by sub-
5 section (a) shall take effect on October 1, 2001, and shall
6 apply with respect to months beginning on or after that
7 date.

8 **SEC. 618. REVISION OF ENLISTMENT BONUS AUTHORITY.**

9 (a) *BONUS AUTHORIZED.*—(1) Title 37, United States
10 Code, is amended by inserting after section 308i the fol-
11 lowing new section:

12 **“§ 309. Special pay: enlistment bonus**

13 “(a) *BONUS AUTHORIZED; BONUS AMOUNT.*—A per-
14 son who enlists in an armed force for a period of at least
15 two years may be paid a bonus in an amount not to exceed
16 \$20,000. The bonus may be paid in a single lump sum or
17 in periodic installments.

18 “(b) *REPAYMENT OF BONUS.*—(1) A member of the
19 armed forces who voluntarily, or because of the member’s
20 misconduct, does not complete the term of enlistment for
21 which a bonus was paid under this section, or a member
22 who is not technically qualified in the skill for which the
23 bonus was paid, if any (other than a member who is not
24 qualified because of injury, illness, or other impairment not
25 the result of the member’s misconduct), shall refund to the

1 *United States that percentage of the bonus that the unex-*
2 *pired part of member's enlistment is of the total enlistment*
3 *period for which the bonus was paid.*

4 “(2) *An obligation to reimburse the United States im-*
5 *posed under paragraph (1) is for all purposes a debt owed*
6 *to the United States.*

7 “(3) *A discharge in bankruptcy under title 11 that is*
8 *entered less than five years after the termination of an en-*
9 *listment for which a bonus was paid under this section does*
10 *not discharge the person receiving the bonus from the debt*
11 *arising under paragraph (1).*

12 “(c) *RELATION TO PROHIBITION ON BOUNTIES.—The*
13 *enlistment bonus authorized by this section is not a bounty*
14 *for purposes of section 514(a) of title 10.*

15 “(d) *REGULATIONS.—This section shall be adminis-*
16 *tered under regulations prescribed by the Secretary of De-*
17 *fense for the armed forces under the jurisdiction of the Sec-*
18 *retary of Defense and by the Secretary of Transportation*
19 *for the Coast Guard when the Coast Guard is not operating*
20 *as a service in the Navy.*

21 “(e) *DURATION OF AUTHORITY.—No bonus shall be*
22 *paid under this section with respect to any enlistment in*
23 *the armed forces made before October 1, 2001, or after De-*
24 *cember 31, 2001.”.*

1 (2) *The table of sections at the beginning of chapter*
 2 *5 of such title is amended by inserting after the item relat-*
 3 *ing to section 308i the following new item:*

“309. *Special pay: enlistment bonus.*”.

4 (b) *REPEAL OF SUPERSEDED ENLISTMENT BONUS*
 5 *AUTHORITIES.—(1) Sections 308a and 308f of title 37,*
 6 *United States Code, are repealed.*

7 (2) *The table of sections at the beginning of chapter*
 8 *5 of such title is amended by striking the items relating*
 9 *to sections 308a and 308f.*

10 (c) *EFFECTIVE DATE.—The amendments made by sub-*
 11 *section (b) shall take effect on October 1, 2001.*

12 **SEC. 619. AUTHORIZATION OF RETENTION BONUS FOR**
 13 **MEMBERS OF THE ARMED FORCES QUALIFIED**
 14 **IN A CRITICAL MILITARY SKILL.**

15 (a) *BONUS AUTHORIZED.—(1) Chapter 5 of title 37,*
 16 *United States Code, is amended by adding at the end the*
 17 *following new section:*

18 **“§ 323. Special pay: retention incentives for members**
 19 **qualified in a critical military skill**

20 “(a) *RETENTION BONUS AUTHORIZED.—An officer or*
 21 *enlisted member of the armed forces who is serving on active*
 22 *duty and is qualified in a designated critical military skill*
 23 *may be paid a retention bonus as provided in this section*
 24 *if—*

1 “(1) in the case of an officer, the member exe-
2 cutes a written agreement to remain on active duty
3 for at least one year; or

4 “(2) in the case of an enlisted member, the mem-
5 ber reenlists or voluntarily extends the member’s en-
6 listment for a period of at least one year.

7 “(b) *DESIGNATION OF CRITICAL SKILLS.*—(1) A des-
8 ignated critical military skill referred to in subsection (a)
9 is a military skill designated as critical by the Secretary
10 of Defense, or by the Secretary of Transportation with re-
11 spect to the Coast Guard when it is not operating as a serv-
12 ice in the Navy.

13 “(2) The Secretary of Defense, and the Secretary of
14 Transportation with respect to the Coast Guard when it
15 is not operating as a service in the Navy, shall notify Con-
16 gress, in advance, of each military skill to be designated
17 by the Secretary as critical for purposes of this section. The
18 notice shall be submitted at least 90 days before any bonus
19 with regard to that critical skill is offered under subsection
20 (a) and shall include a discussion of the necessity for the
21 bonus, the amount and method of payment of the bonus,
22 and the retention results that the bonus is expected to
23 achieve.

1 “(c) *PAYMENT METHODS.*—A bonus under this section
2 may be paid in a single lump sum or in periodic install-
3 ments.

4 “(d) *MAXIMUM BONUS AMOUNT.*—A member may
5 enter into an agreement under this section, or reenlist or
6 voluntarily extend the member’s enlistment, more than once
7 to receive a bonus under this section. However, a member
8 may not receive a total of more than \$200,000 in payments
9 under this section.

10 “(e) *CERTAIN MEMBERS INELIGIBLE.*—A retention
11 bonus may not be provided under subsection (a) to a mem-
12 ber of the armed forces who—

13 “(1) has completed more than 25 years of active
14 duty; or

15 “(2) will complete the member’s 25th year of ac-
16 tive duty before the end of the period of active duty
17 for which the bonus is being offered.

18 “(f) *RELATIONSHIP TO OTHER INCENTIVES.*—A reten-
19 tion bonus paid under this section is in addition to any
20 other pay and allowances to which a member is entitled.

21 “(g) *REPAYMENT OF BONUS.*—(1) If an officer who has
22 entered into a written agreement under subsection (a) fails
23 to complete the total period of active duty specified in the
24 agreement, or an enlisted member who voluntarily or be-
25 cause of misconduct does not complete the term of enlist-

1 *ment for which a bonus was paid under this section, the*
2 *Secretary of Defense, and the Secretary of Transportation*
3 *with respect to members of the Coast Guard when it is not*
4 *operating as a service in the Navy, may require the member*
5 *to repay the United States, on a pro rata basis and to the*
6 *extent that the Secretary determines conditions and cir-*
7 *cumstances warrant, all sums paid under this section.*

8 “(2) *An obligation to repay the United States imposed*
9 *under paragraph (1) is for all purposes a debt owed to the*
10 *United States.*

11 “(3) *A discharge in bankruptcy under title 11 that is*
12 *entered less than five years after the termination of a writ-*
13 *ten agreement entered into under subsection (a) does not*
14 *discharge the member from a debt arising under paragraph*
15 *(2).*

16 “(h) *ANNUAL REPORT.—Not later than February 15*
17 *of each year, the Secretary of Defense and the Secretary*
18 *of Transportation shall submit to Congress a report—*

19 “(1) *analyzing the effect, during the preceding*
20 *fiscal year, of the provision of bonuses under this sec-*
21 *tion on the retention of members qualified in the crit-*
22 *ical military skills for which the bonuses were offered;*
23 *and*

1 (2) *Section 617 of the National Defense Authorization*
 2 *Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat.*
 3 *1578) is amended by striking subsection (b).*

4 **(b) SPECIAL PAY FOR OFFICERS IN NURSING SPECIAL-**
 5 **TIES.**—(1) *Section 302e(b)(2)(A) of title 37, United States*
 6 *Code, is amended by striking “the Secretary” and inserting*
 7 *“the Secretary of the military department concerned”.*

8 (2) *Section 614 of the National Defense Authorization*
 9 *Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat.*
 10 *1577) is amended by striking subsection (c).*

11 ***Subtitle C—Travel and***
 12 ***Transportation Allowances***

13 ***SEC. 631. ADVANCE PAYMENTS FOR TEMPORARY LODGING***
 14 ***OF MEMBERS AND DEPENDENTS.***

15 **(a) SUBSISTENCE EXPENSES.**— *Section 404a of title*
 16 *37, United States Code, is amended—*

17 (1) *by redesignating subsections (b) and (c) as*
 18 *subsections (d) and (e), respectively; and*

19 (2) *by striking subsection (a) and inserting the*
 20 *following:*

21 **“(a) PAYMENT OR REIMBURSEMENT OF SUBSISTENCE**
 22 ***EXPENSES.***—(1) *Under regulations prescribed by the Secre-*
 23 *taries concerned, a member of a uniformed service who is*
 24 *ordered to make a change of permanent station described*
 25 *in paragraph (2) shall be paid or reimbursed for subsistence*

1 *expenses of the member and the member's dependents for*
2 *the period (subject to subsection (c)) for which the member*
3 *and dependents occupy temporary quarters incident to that*
4 *change of permanent station.*

5 *“(2) Paragraph (1) applies to the following:*

6 *“(A) A permanent change of station from any*
7 *duty station to a duty station in the United States*
8 *(other than Hawaii or Alaska).*

9 *“(B) A permanent change of station from a duty*
10 *station in the United States (other than Hawaii or*
11 *Alaska) to a duty station outside the United States*
12 *or in Hawaii or Alaska.*

13 *“(C) In the case of an enlisted member who is*
14 *reporting to the member's first permanent duty sta-*
15 *tion, the change from the member's home of record or*
16 *initial technical school to that first permanent duty*
17 *station.*

18 *“(b) PAYMENT IN ADVANCE.—The Secretary concerned*
19 *may make any payment for subsistence expenses to a mem-*
20 *ber under this section in advance of the member actually*
21 *incurring the expenses. The amount of an advance payment*
22 *made to a member shall be computed on the basis of the*
23 *Secretary's determination of the average number of days*
24 *that members and their dependents occupy temporary quar-*

1 *ters under the circumstances applicable to the member and*
2 *the member's dependents.*

3 “(c) *MAXIMUM PAYMENT PERIOD.*—(1) *In the case of*
4 *a change of permanent station described in subparagraph*
5 *(A) or (C) of subsection (a)(2), the period for which subsist-*
6 *ence expenses are to be paid or reimbursed under this sec-*
7 *tion may not exceed 10 days.*

8 “(2) *In the case of a change of permanent station de-*
9 *scribed in subsection (a)(2)(B)—*

10 “(A) *the period for which such expenses are to be*
11 *paid or reimbursed under this section may not exceed*
12 *five days; and*

13 “(B) *such payment or reimbursement may be*
14 *provided only for expenses incurred before leaving the*
15 *United States (other than Hawaii or Alaska).”.*

16 “(b) *PER DIEM.*—*Section 405 of such title is amended*
17 *to read as follows:*

18 “**§405. Travel and transportation allowances: per**
19 ***diem while on duty outside the United***
20 ***States or in Hawaii or Alaska***

21 “(a) *PER DIEM AUTHORIZED.*—*Without regard to the*
22 *monetary limitation of this title, the Secretary concerned*
23 *may pay a per diem to a member of the uniformed services*
24 *who is on duty outside of the United States or in Hawaii*
25 *or Alaska, whether or not the member is in a travel status.*

1 *The Secretary may pay the per diem in advance of the ac-*
2 *crual of the per diem.*

3 “(b) *DETERMINATION OF PER DIEM.*—*In determining*
4 *the per diem to be paid under this section, the Secretary*
5 *concerned shall consider all elements of the cost of living*
6 *to members of the uniformed services under the Secretary’s*
7 *jurisdiction and their dependents, including the cost of*
8 *quarters, subsistence, and other necessary incidental ex-*
9 *penses. However, dependents may not be considered in de-*
10 *termining the per diem allowance for a member in a travel*
11 *status.*

12 “(c) *TREATMENT OF HOUSING COST AND ALLOW-*
13 *ANCE.*—*Housing cost and allowance may be disregarded in*
14 *prescribing a station cost of living allowance under this sec-*
15 *tion.”.*

16 “(c) *STYLISTIC AMENDMENTS.*—*Section 404a of such*
17 *title is further amended—*

18 (1) *in subsection (d), as redesignated by sub-*
19 *section (a), by striking “(d)” and inserting “(d)*
20 *DAILY SUBSISTENCE RATES.—”;* and

21 (2) *in subsection (e), as redesignated by sub-*
22 *section (a), by striking “(e)” and inserting “(e) MAX-*
23 *IMUM DAILY PAYMENT.—”.*

1 **SEC. 632. ADDITIONAL TRANSPORTATION ALLOWANCE RE-**
2 **GARDING BAGGAGE AND HOUSEHOLD EF-**
3 **FECTS.**

4 (a) *PET QUARANTINE FEES.*—Section 406(a)(1) of
5 title 37, United States Code, is amended by adding at the
6 end the following new sentence: “The Secretary concerned
7 may also reimburse the member for mandatory pet quar-
8 antine fees for household pets, but not to exceed \$275 per
9 change of station, when the member incurs the fees incident
10 to such change of station.”.

11 (b) *EFFECTIVE DATE.*—The amendment made by sub-
12 section (a) shall take effect October 1, 2000.

13 **SEC. 633. EQUITABLE DISLOCATION ALLOWANCES FOR JUN-**
14 **IOR ENLISTED MEMBERS.**

15 Section 407(c)(1) of title 37, United States Code, is
16 amended by inserting before the period the following: “, ex-
17 cept that the Secretary concerned may not differentiate be-
18 tween members with dependents in pay grades E-1 through
19 E-5”.

20 **SEC. 634. AUTHORITY TO REIMBURSE MILITARY RECRUIT-**
21 **ERS, SENIOR ROTC CADRE, AND MILITARY EN-**
22 **TRANCE PROCESSING PERSONNEL FOR CER-**
23 **TAIN PARKING EXPENSES.**

24 (a) *REIMBURSEMENT AUTHORITY.*—(1) Chapter 7 of
25 title 37, United States Code, is amended by inserting after
26 section 411h the following new section:

1 **“§411i. Travel and transportation allowances: park-**
2 **ing expenses**

3 “(a) *REIMBURSEMENT AUTHORITY.*—*The Secretary of*
4 *Defense may reimburse a member of the Army, Navy, Air*
5 *Force, or Marine Corps described in subsection (b) for ex-*
6 *penses incurred by the member in parking a privately*
7 *owned vehicle being used by the member to commute to the*
8 *member’s place of duty.*

9 “(b) *ELIGIBLE MEMBERS.*—*A member referred to in*
10 *subsection (a) is a member who is—*

11 “(1) *assigned to duty as a recruiter for any of*
12 *the armed forces;*

13 “(2) *assigned to duty with a military entrance*
14 *processing facility of the armed forces; or*

15 “(3) *detailed for instructional and administra-*
16 *tive duties at any institution where a unit of the Sen-*
17 *ior Reserve Officers’ Training Corps is maintained.*

18 “(c) *INCLUSION OF CERTAIN CIVILIAN EMPLOYEES.*—
19 *The Secretary of Defense may extend the reimbursement au-*
20 *thority provided by subsection (a) to civilian employees of*
21 *the Department of Defense whose employment responsibil-*
22 *ities include performing activities related to the duties spec-*
23 *ified in subsection (b).”.*

1 (2) *The table of sections at the beginning of such chap-*
 2 *ter is amended by inserting after the item relating to section*
 3 *411h the following new item:*

“411i. Travel and transportation allowances: parking expenses.”.

4 (b) *EFFECTIVE DATE.—The amendments made by this*
 5 *section shall take effect on October 1, 2000.*

6 **SEC. 635. EXPANSION OF FUNDED STUDENT TRAVEL FOR**
 7 **DEPENDENTS.**

8 Section 430 of title 37, United States Code, is
 9 amended—

10 (1) *in subsections (a)(3) and (b)(1), by striking*
 11 *“for the purpose of obtaining a secondary or under-*
 12 *graduate college education” and inserting “for the*
 13 *purpose of obtaining a formal education”;* and

14 (2) *in subsection (f)—*

15 (A) *by striking “In this section, the term”*
 16 *and inserting the following:*

17 *“In this section:*

18 (1) *The term”;* and

19 (B) *by adding at the end the following new*
 20 *subparagraph:*

21 (2) *The term ‘formal education’ means the fol-*
 22 *lowing:*

23 (A) *A secondary education.*

24 (B) *An undergraduate college education.*

1 “(C) A graduate education pursued on a
2 full-time basis at an institution of higher edu-
3 cation (as defined in section 101 of the Higher
4 Education Act of 1965 (20 U.S.C. 1001)).

5 “(D) Vocational education pursued on a
6 full-time basis at a post-secondary vocational in-
7 stitution (as defined in section 102(c) of the
8 Higher Education Act of 1965 (20 U.S.C.
9 1002(c))).”.

10 ***Subtitle D—Retirement and***
11 ***Survivor Benefit Matters***

12 ***SEC. 641. INCREASE IN MAXIMUM NUMBER OF RESERVE RE-***
13 ***TIREMENT POINTS THAT MAY BE CREDITED***
14 ***IN ANY YEAR.***

15 Section 12733(3) of title 10, United States Code, is
16 amended by striking “but not more than” and all that fol-
17 lows and inserting “but not more than—

18 “(A) 60 days in any one year of service be-
19 fore the year of service that includes September
20 23, 1996;

21 “(B) 75 days in the year of service that in-
22 cludes September 23, 1996, and in any subse-
23 quent year of service before the year of service
24 that includes the date of the enactment of the Na-

1 *tional Defense Authorization Act for Fiscal Year*
2 *2001; and*

3 “(C) 90 days in the year of service that in-
4 cludes the date of the enactment of the National
5 Defense Authorization Act for Fiscal Year 2001
6 and in any subsequent year of service.”.

7 **SEC. 642. RESERVE COMPONENT SURVIVOR BENEFIT PLAN**

8 **SPOUSAL CONSENT REQUIREMENT.**

9 (a) *ELIGIBLE PARTICIPANTS.*—Subsection (a)(2)(B) of
10 section 1448 of title 10, United States Code, is amended
11 to read as follows:

12 “(B) *RESERVE-COMPONENT ANNUITY PAR-*
13 *TICIPANTS.*—A person who (i) is eligible to par-
14 ticipate in the Plan under paragraph (1)(B),
15 and (ii) is married or has a dependent child
16 when he is notified under section 12731(d) of
17 this title that he has completed the years of serv-
18 ice required for eligibility for reserve-component
19 retired pay, unless the person elects (with his
20 spouse’s concurrence, if required under para-
21 graph (3)) not to participate in the Plan before
22 the end of the 90-day period beginning on the
23 date on which he receives that notification.”.

24 (b) *SUBSEQUENT ELECTION TO PARTICIPATE.*—Sub-
25 section (a)(3)(B) of such section is amended—

1 (1) *by striking “who elects to provide” and in-*
2 *serting “who is eligible to provide”;*

3 (2) *by redesignating clauses (i) and (ii) as*
4 *clauses (iii) and (iv), respectively; and*

5 (3) *by inserting before clause (iii) (as so redesign-*
6 *ated) the following new clauses:*

7 *“(i) not to participate in the Plan;*

8 *“(ii) to designate under subsection*
9 *(e)(2) the effective date for commencement of*
10 *annuity payments under the Plan in the*
11 *event that the member dies before becoming*
12 *60 years of age to be the 60th anniversary*
13 *of the member’s birth (rather than the day*
14 *after the date of the member’s death);”.*

15 (c) *CONFORMING AMENDMENTS.—Such section is fur-*
16 *ther amended—*

17 (1) *in subsection (a)(2), by striking “described in*
18 *clauses (i) and (ii)” in the sentence following sub-*
19 *paragraph (B) (as amended by subsection (a)) and*
20 *all that follows through “that clause” and inserting*
21 *“who elects under subparagraph (B) not to partici-*
22 *pate in the Plan”;*

23 (2) *in subsection (a)(4)—*

24 (A) *by striking “not to participate in the*
25 *Plan” in subparagraph (A); and*

1 (B) by striking “to participate in the Plan”
2 in subparagraph (B); and
3 (3) in subsection (e), by striking “making such
4 election”.

5 (d) *EFFECTIVE DATE.*—*The amendments made by this*
6 *section apply only with respect to a notification under sec-*
7 *tion 12731(d) of title 10, United States Code, made after*
8 *January 1, 2001, that a member of a reserve component*
9 *has completed the years of service required for eligibility*
10 *for reserve-component retired pay.*

11 ***Subtitle E—Other Matters***

12 ***SEC. 651. PARTICIPATION IN THRIFT SAVINGS PLAN.***

13 *For purposes of subtitle F of title VI of the National*
14 *Defense Authorization Act for Fiscal Year 2000 (Public*
15 *Law 106–65; 113 Stat. 670), both of the conditions under*
16 *section 663(b)(1) of such Act shall be considered met on*
17 *July 15, 2001 (unless earlier met).*

1 **TITLE VII—HEALTH CARE**
2 **PROVISIONS**
3 **Subtitle A—Health Care Services**

4 **SEC. 701. TWO-YEAR EXTENSION OF AUTHORITY FOR USE**
5 **OF CONTRACT PHYSICIANS AT MILITARY EN-**
6 **TRANCE PROCESSING STATIONS AND ELSE-**
7 **WHERE OUTSIDE MEDICAL TREATMENT FA-**
8 **CILITIES.**

9 *Section 1091(a)(2) of title 10, United States Code, is*
10 *amended by striking “December 31, 2000” in the second*
11 *sentence and inserting “December 31, 2002”.*

12 **SEC. 702. MEDICAL AND DENTAL CARE FOR MEDAL OF**
13 **HONOR RECIPIENTS.**

14 *(a) IN GENERAL.—(1) Chapter 55 of title 10, United*
15 *States Code, is amended by inserting after section 1074g*
16 *the following new section:*

17 **“§ 1074h. Medical and dental care: medal of honor re-**
18 **ciipients; dependents**

19 *“(a) MEDAL OF HONOR RECIPIENTS.—A former mem-*
20 *ber of the armed forces who is a Medal of Honor recipient*
21 *and who is not otherwise entitled to medical and dental*
22 *benefits under this chapter may, upon request, be given*
23 *medical and dental care provided by the administering Sec-*
24 *retaries in the same manner as if entitled to retired pay.*

1 “(b) *DEPENDENTS*.—A person who is a dependent of
2 a Medal of Honor recipient and who is not otherwise enti-
3 tled to medical and dental benefits under this chapter may,
4 upon request, be given medical and dental care provided
5 by the administering Secretaries in the same manner as
6 if the Medal of Honor recipient were, or (if deceased) was
7 at the time of death, entitled to retired pay.

8 “(c) *DEFINITIONS*—In this section:

9 “(1) The term ‘Medal of Honor recipient’ means
10 a member or former member of the armed forces who
11 has been awarded a medal of honor under section
12 3741, 6241, or 8741 of this title or section 491 of title
13 14.

14 “(2) The term ‘dependent’ has the meaning given
15 that term in subparagraphs (A), (B), (C), and (D) of
16 section 1072(2) of this title.”.

17 “(2) The table of sections at the beginning of such chap-
18 ter is amended by inserting after the item relating to section
19 1074g the following new item:

 “1074h. Medical and dental care: medal of honor recipients; dependents.”.

20 “(b) *EFFECTIVE DATE*.—Section 1074h of title 10,
21 United States Code, shall apply with respect to medical and
22 dental care provided on or after the date of the enactment
23 of this Act.

1 **SEC. 703. PROVISION OF DOMICILIARY AND CUSTODIAL**
2 **CARE FOR CHAMPUS BENEFICIARIES AND**
3 **CERTAIN FORMER CHAMPUS BENEFICIARIES.**

4 (a) *IN GENERAL.*—Section 703(a) of the National De-
5 fense Authorization Act for Fiscal Year 2000 (Public Law
6 106–65; 113 Stat. 682; 10 U.S.C. 1077 note) is amended
7 by adding at the end the following:

8 “(4) The Secretary may provide payment for domi-
9 ciliary or custodial care services provided to an eligible ben-
10 eficiary for which payment was discontinued by reason of
11 section 1086(d) of title 10, United States Code, and subse-
12 quently reestablished under other legal authority. Such pay-
13 ment is authorized for the period beginning on the date of
14 discontinuation of payment for domiciliary or custodial
15 care services and ending on the date of reestablishment of
16 payment for such services.”.

17 (b) *COST LIMITATION FOR INDIVIDUAL CASE MANAGE-*
18 *MENT PROGRAM.*—(1) Section 1079(a)(17) of title 10,
19 United States Code, is amended—

20 (A) by inserting “(A)” after “(17)”; and

21 (B) by adding at the end the following:

22 “(B) The total amount expended under subpara-
23 graph (A) for a fiscal year may not exceed
24 \$100,000,000.”.

1 (2) *Section 703 of the National Defense Authorization*
2 *Act for Fiscal Year 2000 is amended by adding at the end*
3 *the following:*

4 “(e) *COST LIMITATION.—The total amount paid for*
5 *services for eligible beneficiaries under subsection (a) for a*
6 *fiscal year (together with the costs of administering the au-*
7 *thority under that subsection) shall be included in the ex-*
8 *penditures limited by section 1079(a)(17)(B) of title 10,*
9 *United States Code.”.*

10 (3) *The amendments made by paragraphs (1) and (2)*
11 *shall apply to fiscal years after fiscal year 1999.*

12 **SEC. 704. DEMONSTRATION PROJECT FOR EXPANDED AC-**
13 **CESS TO MENTAL HEALTH COUNSELORS.**

14 (a) *REQUIREMENT TO CONDUCT DEMONSTRATION*
15 *PROJECT.—The Secretary of Defense shall conduct a dem-*
16 *onstration project under which licensed and certified profes-*
17 *sional mental health counselors who meet eligibility require-*
18 *ments for participation as providers under the Civilian*
19 *Health and Medical Program of the Uniformed Services*
20 *(hereinafter in this section referred to as “CHAMPUS”) or*
21 *the TRICARE program may provide services to covered*
22 *beneficiaries under chapter 55 of title 10, United States*
23 *Code, without referral by physicians or adherence to super-*
24 *vision requirements.*

1 (b) *DURATION AND LOCATION OF PROJECT.*—*The Sec-*
2 *retary shall conduct the demonstration project required by*
3 *subsection (a)—*

4 (1) *during the 2-year period beginning October*
5 *1, 2001; and*

6 (2) *in one established TRICARE region.*

7 (c) *REGULATIONS.*—*The Secretary shall prescribe reg-*
8 *ulations regarding participation in the demonstration*
9 *project required by subsection (a).*

10 (d) *PLAN FOR PROJECT.*—*Not later than March 31,*
11 *2001, the Secretary shall submit to the Committees on*
12 *Armed Services of the Senate and the House of Representa-*
13 *tives a plan to carry out the demonstration project. The*
14 *plan shall include, but not be limited to, a description of*
15 *the following:*

16 (1) *The TRICARE region in which the project*
17 *will be conducted.*

18 (2) *The estimated funds required to carry out the*
19 *demonstration project.*

20 (3) *The criteria for determining which profes-*
21 *sional mental health counselors will be authorized to*
22 *participate under the demonstration project.*

23 (4) *The plan of action, including critical mile-*
24 *stone dates, for carrying out the demonstration*
25 *project.*

1 (e) *REPORT.*—Not later than February 1, 2003, the
2 Secretary shall submit to Congress a report on the dem-
3 onstration project carried out under this section. The report
4 shall include the following:

5 (1) *A description of the extent to which expendi-*
6 *tures for reimbursement of licensed or certified profes-*
7 *sional mental health counselors change as a result of*
8 *allowing the independent practice of such counselors.*

9 (2) *Data on utilization and reimbursement re-*
10 *garding non-physician mental health professionals*
11 *other than licensed or certified professional mental*
12 *health counselors under CHAMPUS and the*
13 *TRICARE program.*

14 (3) *Data on utilization and reimbursement re-*
15 *garding physicians who make referrals to, and super-*
16 *viser, mental health counselors.*

17 (4) *A description of the administrative costs in-*
18 *curring as a result of the requirement for documenta-*
19 *tion of referral to mental health counselors and super-*
20 *vision activities for such counselors.*

21 (5) *For each of the categories described in para-*
22 *graphs (1) through (4), a comparison of data for a*
23 *one-year period for the area in which the demonstra-*
24 *tion project is being implemented with corresponding*

1 *data for a similar area in which the demonstration*
2 *project is not being implemented.*

3 (6) *A description of the ways in which allowing*
4 *for independent reimbursement of licensed or certified*
5 *professional mental health counselors affects the con-*
6 *fidentiality of mental health and substance abuse*
7 *services for covered beneficiaries under CHAMPUS*
8 *and the TRICARE program.*

9 (7) *A description of the effect, if any, of chang-*
10 *ing reimbursement policies on the health and treat-*
11 *ment of covered beneficiaries under CHAMPUS and*
12 *the TRICARE program, including a comparison of*
13 *the treatment outcomes of covered beneficiaries who*
14 *receive mental health services from licensed or cer-*
15 *tified professional mental health counselors acting*
16 *under physician referral and supervision, other non-*
17 *physician mental health providers recognized under*
18 *the program, and physicians, with treatment out-*
19 *comes under the demonstration project allowing inde-*
20 *pendent practice of professional counselors on the*
21 *same basis as other non-physician mental health pro-*
22 *viders.*

23 (8) *The effect of policies of the Department of*
24 *Defense on the willingness of licensed or certified pro-*
25 *fessional mental health counselors to participate as*

1 health care providers in CHAMPUS and the
2 TRICARE program.

3 (9) Any policy requests or recommendations re-
4 garding mental health counselors made by health care
5 plans and managed care organizations participating
6 in CHAMPUS or the TRICARE program.

7 **SEC. 705. TELERADIOLOGY DEMONSTRATION PROJECT.**

8 (a) *REQUIREMENT TO CONDUCT PROJECT.*—(1) The
9 Secretary of Defense shall conduct a demonstration project
10 for the purpose of increasing efficiency of operations with
11 respect to teleradiology at a military medical treatment fa-
12 cility and supporting remote clinics and increasing coordi-
13 nation with respect to teleradiology between such facility
14 and clinics. Under the project, a military medical treat-
15 ment facility and each clinic supported by such facility
16 shall be linked by a digital radiology network through
17 which digital radiology X-rays may be sent electronically
18 from clinics to the military medical treatment facility.

19 (2) The demonstration project shall be conducted at a
20 multi-specialty tertiary-care military medical treatment fa-
21 cility affiliated with a university medical school, that is
22 supported by at least five geographically dispersed remote
23 clinics of the Departments of the Army, Navy, and Air
24 Force, and clinics of the Department of Veterans Affairs
25 and the Coast Guard.

1 (b) *DURATION OF PROJECT.*—*The Secretary shall con-*
2 *duct the project during the two-year period beginning on*
3 *the date of the enactment of this Act.*

4 ***Subtitle B—TRICARE Program***

5 ***SEC. 711. ADDITIONAL BENEFICIARIES UNDER TRICARE***
6 ***PRIME REMOTE PROGRAM IN THE CONTI-***
7 ***NENTAL UNITED STATES.***

8 (a) *COVERAGE OF OTHER UNIFORMED SERVICES.*—
9 (1) *Section 1074(c) of title 10, United States Code, is*
10 *amended—*

11 (A) *by striking “armed forces” each place it ap-*
12 *pears, except in paragraph (3)(A), and inserting*
13 *“uniformed services”;*

14 (B) *in paragraph (1), by inserting after “mili-*
15 *tary department” in the first sentence the following:*
16 *“, the Department of Transportation (with respect to*
17 *the Coast Guard when it is not operating as a service*
18 *in the Navy), or the Department of Health and*
19 *Human Services (with respect to the National Oce-*
20 *anic and Atmospheric Administration and the Public*
21 *Health Service)”;*

22 (C) *in paragraph (2), by adding at the end the*
23 *following:*

1 “(C) *The Secretary of Defense shall consult with the*
2 *other administering Secretaries in the administration of*
3 *this paragraph.*”; and

4 (D) *in paragraph (3)(A), by striking “The Sec-*
5 *retary of Defense may not require a member of the*
6 *armed forces described in subparagraph (B)” and in-*
7 *serting “A member of the uniformed services described*
8 *in subparagraph (B) may not be required”.*

9 (2)(A) *Subsections (b), (c), and (d)(3) of section 731*
10 *of the National Defense Authorization Act for Fiscal Year*
11 *1998 (Public Law 105–85; 111 Stat. 1811; 10 U.S.C. 1074*
12 *note) are amended by striking “Armed Forces” and insert-*
13 *ing “uniformed services”.*

14 (B) *Subsection (b) of such section is further amended*
15 *by adding at the end the following:*

16 “(4) *The Secretary of Defense shall consult with the*
17 *other administering Secretaries in the administration of*
18 *this subsection.*”.

19 (C) *Subsection (f) of such section is amended by add-*
20 *ing at the end the following:*

21 “(3) *The terms ‘uniformed services’ and ‘admin-*
22 *istering Secretaries’ have the meanings given those*
23 *terms in section 1072 of title 10, United States*
24 *Code.*”.

1 (3) *Section 706(b) of the National Defense Authoriza-*
2 *tion Act for Fiscal Year 2000 (Public Law 106–65; 113*
3 *Stat. 684) is amended by striking “Armed Forces” and in-*
4 *serting “uniformed services (as defined in section 1072(1)*
5 *of title 10, United States Code)”.*

6 (b) *COVERAGE OF IMMEDIATE FAMILY.—(1) Section*
7 *1079 of title 10, United States Code, is amended by adding*
8 *at the end the following:*

9 “(p)(1) *Subject to such exceptions as the Secretary of*
10 *Defense considers necessary, coverage for medical care under*
11 *this section for the dependents referred to in subsection (a)*
12 *of a member of the uniformed services referred to in section*
13 *1074(c)(3) of this title who are residing with the member,*
14 *and standards with respect to timely access to such care,*
15 *shall be comparable to coverage for medical care and stand-*
16 *ards for timely access to such care under the managed care*
17 *option of the TRICARE program known as TRICARE*
18 *Prime.*

19 “(2) *The Secretary of Defense shall enter into arrange-*
20 *ments with contractors under the TRICARE program or*
21 *with other appropriate contractors for the timely and effi-*
22 *cient processing of claims under this subsection.*

23 “(3) *The Secretary of Defense shall consult with the*
24 *other administering Secretaries in the administration of*
25 *this subsection.”.*

1 (2) *Section 731(b) of the National Defense Authoriza-*
2 *tion Act for Fiscal Year 1998 (Public Law 105–85; 111*
3 *Stat. 1811; 10 U.S.C. 1074 note) is amended—*

4 (A) *in paragraph (1), by adding at the end the*
5 *following: “A dependent of the member, as described*
6 *in subparagraph (A), (D), or (I) of section 1072(2) of*
7 *title 10, United States Code, who is residing with the*
8 *member shall have the same entitlement to care and*
9 *to waiver of charges as the member.”; and*

10 (B) *in paragraph (2), by inserting “or depend-*
11 *ent of the member, as the case may be,” after “(2) A*
12 *member”.*

13 (c) *EFFECTIVE DATE.—(1) The amendments made by*
14 *subsection (a)(2), with respect to members of the uniformed*
15 *services, and the amendments made by subsection (b)(2),*
16 *with respect to dependents of members, shall take effect on*
17 *the date of the enactment of this Act and shall expire with*
18 *respect to a member or the dependents of a member, respec-*
19 *tively, on the later of the following:*

20 (A) *The date that is one year after the date of*
21 *the enactment of this Act.*

22 (B) *The date on which the amendments made by*
23 *subsection (a)(1) or (b)(1) apply with respect to the*
24 *coverage of medical care for and provision of such*
25 *care to the member or dependents, respectively.*

1 (2) *Section 731(b)(3) of Public Law 105–85 does not*
2 *apply to a member of the Coast Guard, the National Oce-*
3 *anic and Atmospheric Administration, or the Commis-*
4 *sioned Corps of the Public Health Service, or to a dependent*
5 *of a member of a uniformed service.*

6 **SEC. 712. ELIMINATION OF COPAYMENTS FOR IMMEDIATE**
7 **FAMILY.**

8 (a) *NO COPAYMENT FOR IMMEDIATE FAMILY.*—*Sec-*
9 *tion 1097a of title 10, United States Code, is amended—*

10 (1) *by redesignating subsection (e) as subsection*
11 *(f); and*

12 (2) *by inserting after subsection (d) the following*
13 *new subsection (e):*

14 “(e) *NO COPAYMENT FOR IMMEDIATE FAMILY.*—*No co-*
15 *payment shall be charged a member for care provided under*
16 *TRICARE Prime to a dependent of a member of the uni-*
17 *formed services described in subparagraph (A), (D), or (I)*
18 *of section 1072(2) of this title.”.*

19 (b) *EFFECTIVE DATE.*—*The amendments made by sub-*
20 *section (a) shall take effect on October 1, 2000, and shall*
21 *apply with respect to care provided on or after that date.*

1 **SEC. 713. MODERNIZATION OF TRICARE BUSINESS PRAC-**
2 **TICES AND INCREASE OF USE OF MILITARY**
3 **TREATMENT FACILITIES.**

4 (a) *REQUIREMENT TO IMPLEMENT INTERNET-BASED*
5 *SYSTEM.*—Not later than October 1, 2001, the Secretary of
6 Defense shall implement a system to simplify and make ac-
7 cessible through the use of the Internet, through commer-
8 cially available systems and products, critical administra-
9 tive processes within the military health care system and
10 the TRICARE program. The purpose of the system shall
11 be to enhance efficiency, improve service, and achieve com-
12 mercially recognized standards of performance.

13 (b) *REQUIREMENTS OF SYSTEM.*—The system required
14 by subsection (a) —

15 (1) shall comply with patient confidentiality and
16 security requirements, and incorporate data require-
17 ments, that are currently widely used by insurers
18 under medicare and commercial insurers;

19 (2) shall be designed to achieve improvements
20 with respect to—

21 (A) the availability and scheduling of ap-
22 pointments;

23 (B) the filing, processing, and payment of
24 claims;

25 (C) marketing and information initiatives;

1 (D) the continuation of enrollments without
2 expiration; and

3 (E) the portability of enrollments nation-
4 wide; and

5 (3) may be implemented through a contractor
6 under TRICARE Prime.

7 (c) AREAS OF IMPLEMENTATION.—The Secretary shall
8 implement the system required by subsection (a) in at least
9 one region under the TRICARE program.

10 (d) PLAN FOR IMPROVED PORTABILITY OF BENE-
11 FITS.—Not later than March 15, 2001, the Secretary of De-
12 fense shall submit to the Committees on Armed Services of
13 the Senate and the House of Representatives a plan to pro-
14 vide portability and reciprocity of benefits for all enrollees
15 under the TRICARE program throughout all TRICARE re-
16 gions.

17 (e) INCREASE OF USE OF MILITARY MEDICAL TREAT-
18 MENT FACILITIES.—The Secretary shall initiate a program
19 to maximize the use of military medical treatment facilities
20 by improving the efficiency of health care operations in
21 such facilities.

22 (f) DEFINITION.—In this section the term “TRICARE
23 program” shall have the meaning given such term in section
24 1072 of title 10, United States Code.

1 **SEC. 714. CLAIMS PROCESSING IMPROVEMENTS.**

2 *Beginning on the date of the enactment of this Act,*
3 *the Secretary of Defense shall take all necessary actions to*
4 *implement the following improvements with respect to proc-*
5 *essing of claims under the TRICARE program:*

6 (1) *Use of the TRICARE encounter data infor-*
7 *mation system rather than the health care service*
8 *record in maintaining information on covered bene-*
9 *ficiaries under chapter 55 of title 10, United States*
10 *Code.*

11 (2) *Elimination of all delays in payment of*
12 *claims to health care providers that may result from*
13 *the development of the health care service record or*
14 *TRICARE encounter data information.*

15 (3) *Require all health care providers under the*
16 *TRICARE program that the Secretary determines are*
17 *high-volume providers to submit claims electronically.*

18 (4) *Process 50 percent of all claims by health*
19 *care providers and institutions under the TRICARE*
20 *program by electronic means.*

21 (5) *Authorize managed care support contractors*
22 *under the TRICARE program to require providers to*
23 *access information on the status of claims through the*
24 *use of telephone automated voice response units.*

1 **SEC. 715. PROHIBITION AGAINST REQUIREMENT FOR PRIOR**
2 **AUTHORIZATION FOR CERTAIN REFERRALS;**
3 **REPORT ON NONAVAILABILITY-OF-HEALTH-**
4 **CARE STATEMENTS.**

5 (a) *PROHIBITION REGARDING PRIOR AUTHORIZATION*
6 *FOR REFERRALS.*—(1) *Chapter 55 of title 10, United States*
7 *Code, is amended by inserting after section 1095e the fol-*
8 *lowing new section:*

9 **“§ 1095f. TRICARE program: referrals for specialty**
10 **health care**

11 *“The Secretary of Defense shall provide that no con-*
12 *tract for managed care support under the TRICARE pro-*
13 *gram shall require a managed care support contractor to*
14 *require a primary care provider or specialty care provider*
15 *to obtain prior authorization before referring a patient to*
16 *a specialty care provider that is part of the network of*
17 *health care providers or institutions of the contractor.”.*

18 (2) *The table of sections at the beginning of such chap-*
19 *ter is amended by inserting after the item relating to section*
20 *1095e the following new item:*

“1095f. TRICARE program: referrals for specialty health care.”.

21 (b) *REPORT.*—*Not later than February 1, 2001, the*
22 *Comptroller General shall submit to Congress a report on*
23 *the financial and management implications of eliminating*
24 *the requirement to obtain nonavailability-of-health-care*

1 *statements under section 1080 of title 10, United States*
2 *Code.*

3 (c) *EFFECTIVE DATE.*—Section 1095f of title 10,
4 *United States Code, as added by subsection (a), shall apply*
5 *with respect to a managed care support contract entered*
6 *into by the Department of Defense after the date of the en-*
7 *actment of this Act.*

8 **SEC. 716. AUTHORITY TO ESTABLISH SPECIAL LOCALITY-**
9 **BASED REIMBURSEMENT RATES; REPORTS.**

10 (a) *IN GENERAL.*—Section 1079(h) of title 10, *United*
11 *States Code, is amended by adding at the end the following*
12 *new paragraph:*

13 “(5) *To assure access to care for all covered bene-*
14 *ficiaries, the Secretary of Defense, in consultation with the*
15 *other administering Secretaries, shall designate specific*
16 *rates for reimbursement for services in certain localities if*
17 *the Secretary determines that without payment of such*
18 *rates access to health care services would be severely im-*
19 *paired. Such a determination shall be based on consider-*
20 *ation of the number of providers in a locality who provide*
21 *the services, the number of such providers who are*
22 *CHAMPUS participating providers, the number of covered*
23 *beneficiaries under CHAMPUS in the locality, the avail-*
24 *ability of military providers in the location or a nearby*

1 *location, and any other factors determined to be relevant*
2 *by the Secretary.”.*

3 **(b) REPORTS.**—(1) *Not later than March 31, 2001, the*
4 *Secretary of Defense shall submit to the Committees on*
5 *Armed Services of the House of Representatives and the*
6 *Senate and the General Accounting Office a report on ac-*
7 *tions taken to carry out section 1079(h)(5) of title 10,*
8 *United States Code (as added by subsection (a)) and section*
9 *1097b of such title.*

10 (2) *Not later than May 1, 2001, the Comptroller Gen-*
11 *eral shall submit to Congress a report analyzing the utility*
12 *of—*

13 **(A)** *increased reimbursement authorities with re-*
14 *spect to ensuring the availability of network providers*
15 *and nonnetwork providers under the TRICARE Pro-*
16 *gram to covered beneficiaries under chapter 55 of such*
17 *title; and*

18 **(B)** *requiring a reimbursement limitation of 70*
19 *percent of usual and customary rates rather than 115*
20 *percent of maximum allowable charges under the Ci-*
21 *vilian Health and Medical Program of the Uniformed*
22 *Services.*

1 **SEC. 717. REIMBURSEMENT FOR CERTAIN TRAVEL EX-**
2 **PENSES.**

3 (a) *IN GENERAL.*—Chapter 55 of title 10, United
4 States Code, is amended by inserting after section 1074h
5 (as added by section 702) the following new section:

6 **“§ 1074i. Reimbursement for certain travel expenses**

7 “In any case in which a covered beneficiary is referred
8 by a primary care physician to a specialty care provider
9 who provides services more than 100 miles from the location
10 in which the primary care provider provides services to the
11 covered beneficiary, the Secretary shall provide reimburse-
12 ment for reasonable travel expenses for the covered bene-
13 ficiary.”.

14 (b) *CLERICAL AMENDMENT.*—The table of sections at
15 the beginning of such chapter is amended by inserting after
16 the item relating to section 1074h the following new item:
“1074i. Reimbursement for certain travel expenses.”.

17 **SEC. 718. REDUCTION OF CATASTROPHIC CAP.**

18 (a) *IN GENERAL.*—Chapter 55 of title 10, United
19 States Code, is amended in section 1095d by adding at the
20 end the following new subsection:

21 “(c) *REDUCTION OF CATASTROPHIC CAP.*—The Sec-
22 retary shall reduce the catastrophic cap for covered bene-
23 ficiaries under *TRICARE Standard* and *TRICARE Extra*
24 to \$3,000.”.

1 (b) *CLERICAL AMENDMENTS.*—(1) *The heading of such*
 2 *section is amended to read as follows:*

3 **“§ 1095d. TRICARE program: waiver of certain**
 4 **deductibles; reduction of catastrophic**
 5 **cap”.**

6 (2) *The item relating to section 1095d in the table of*
 7 *sections at the beginning of such chapter 55 is amended to*
 8 *read as follows:*

“1095d. TRICARE program: waiver of certain deductibles; reduction of cata-
strophic cap.”.

9 **SEC. 719. REPORT ON PROTECTIONS AGAINST HEALTH**
 10 **CARE PROVIDERS SEEKING DIRECT REIM-**
 11 **BURSEMENT FROM MEMBERS OF THE UNI-**
 12 **FORMED SERVICES.**

13 *Not later than January 31, 2001, the Secretary of De-*
 14 *fense shall submit to the Committees on Armed Services of*
 15 *the House of Representatives and the Senate a report recom-*
 16 *mending practices to discourage or prohibit health care pro-*
 17 *viders under the TRICARE Program from inappropriately*
 18 *seeking direct reimbursement from members of the uni-*
 19 *formed services or their dependents for health care received*
 20 *by such members or dependents.*

21 **SEC. 720. DISENROLLMENT PROCESS FOR TRICARE RE-**
 22 **TIREE DENTAL PROGRAM.**

23 *Section 1076c of title 10, United States Code, is*
 24 *amended—*

1 (1) by redesignating subsection (i) as subsection
2 (j); and

3 (2) by inserting after subsection (h) the following
4 new subsection (i):

5 “(i) *DISENROLLMENT PROCESS FOR TRICARE RE-*
6 *TIREE DENTAL PROGRAM.*—With respect to the provision
7 of dental care to a retired member of the uniformed services
8 or the dependent of such a member under the *TRICARE*
9 program, the Secretary of Defense—

10 “(A) shall require that any *TRICARE* dental in-
11 surance contract allow for a period of up to 30 days,
12 beginning on the date of the submission of an appli-
13 cation for enrollment by the member or dependent,
14 during which the member or dependent may disenroll;

15 “(B) shall provide for limited circumstances
16 under which disenrollment shall be permitted during
17 the 24-month initial enrollment period, without jeop-
18 ardizing the fiscal integrity of the dental program.

19 “(2) The circumstances described in paragraph (1)(B)
20 shall include—

21 “(A) a case in which a retired member or de-
22 pendent who is also a Federal employee is assigned
23 to a location overseas which prevents utilization of
24 dental benefits in the United States;

1 “(B) a case in which such a member or depend-
2 ent provides medical documentation with regard to a
3 diagnosis of a serious or terminal illness which pre-
4 cludes the member or dependent from obtaining dental
5 care;

6 “(C) a case in which severe financial hardship
7 would result; and

8 “(D) any other instances which the Secretary
9 considers appropriate.

10 “(3) A retired member or dependent described in para-
11 graph (1)—

12 “(A) shall make any initial requests for
13 disenrollment under this subsection to the TRICARE
14 dental insurance contractor; and

15 “(B) may appeal a decision by the contractor, or
16 policies with respect to the provision of dental care to
17 retirees and their dependents under the TRICARE
18 program, to the TRICARE Management Activity.

19 “(4) In a case of an appeal described in paragraph
20 (3)(B) the contractor shall refer all relevant information
21 collected by the contractor to the TRICARE Management
22 Activity.”.

1 ***Subtitle C—Health Care Programs***
2 ***for Medicare-Eligible Depart-***
3 ***ment of Defense Beneficiaries***

4 **SEC. 721. IMPLEMENTATION OF TRICARE SENIOR PHAR-**
5 **MACY PROGRAM.**

6 *Section 723 of the Strom Thurmond National Defense*
7 *Authorization Act for Fiscal Year 1999 (Public Law 105-*
8 *261; 112 Stat. 2068; 10 U.S.C. 1073 note) is amended—*

9 *(1) in subsection (a)—*

10 *(A) by striking “October 1, 1999” and in-*
11 *serting “April 1, 2001”; and*

12 *(B) by striking “who reside in an area se-*
13 *lected under subsection (f)”;*

14 *(2) by amending subsection (b) to read as fol-*
15 *lows:*

16 *“(b) PROGRAM REQUIREMENTS.—The same coverage*
17 *for pharmacy services and the same procedures for cost*
18 *sharing and reimbursement as are applicable under section*
19 *1086 of title 10, United States Code, shall apply with re-*
20 *spect to the program required by subsection (a).”;*

21 *(3) in subsection (d)—*

22 *(A) by striking “December 31, 2000” and*
23 *inserting “December 31, 2001”; and*

24 *(B) by striking “December 31, 2002” and*
25 *inserting “December 31, 2003”;*

1 (4) *in subsection (e)—*

2 (A) *in paragraph (1)—*

3 (i) *in subparagraph (B), by inserting*

4 “and” *after the semicolon;*

5 (ii) *in subparagraph (C), by striking*

6 “; and” *and inserting a period; and*

7 (iii) *by striking subparagraph (D);*

8 *and*

9 (B) *in paragraph (2), by striking “at the*
10 *time” and all that follows through “facility” and*

11 *inserting “before April 1, 2001, has attained the*

12 *age of 65 and did not enroll in the program de-*
13 *scribed in such paragraph”; and*

14 (5) *by striking subsection (f).*

15 **SEC. 722. STUDY ON HEALTH CARE OPTIONS FOR MEDI-**

16 **CARE-ELIGIBLE MILITARY RETIREES.**

17 (a) *REQUIREMENT TO CONDUCT STUDY.—The Sec-*

18 *retary of Defense shall enter into an agreement with a feder-*

19 *ally funded research and development center for the purpose*

20 *of having such center conduct an independent study on al-*

21 *ternatives for providing continued health care benefits for*

22 *medicare-eligible military retirees.*

23 (b) *MATTERS TO BE INCLUDED.—(1) The study shall*

24 *consider the possibility of providing health care to such re-*

25 *tirees through at least the following alternatives, either indi-*

1 *vidually or in combination, and shall include an analysis*
2 *of the mandatory and discretionary funding requirements*
3 *for implementation of each alternative for each year of a*
4 *ten-year period:*

5 (A) *The use of mandatory enrollments in any*
6 *health care option.*

7 (B) *The creation, integration, and coordination*
8 *of a Department of Defense-Medicare supplemental*
9 *plan that—*

10 (i) *includes benefits similar to those covered*
11 *under a standard medicare supplemental health*
12 *insurance policy; and*

13 (ii) *requires participation in, and coordina-*
14 *tion with, available medicare prescription drug*
15 *benefits.*

16 (C) *Space-available health care in military med-*
17 *ical treatment facilities and participation in the*
18 *standard prescription drug plan under the TRICARE*
19 *program.*

20 (D) *Increased participation in, and coordination*
21 *with, managed care programs of the Veterans Health*
22 *Administration.*

23 (2) *The study shall consider—*

24 (A) *the findings and recommendations in all re-*
25 *ports prepared by the Comptroller General on dem-*

1 *onstration programs of the Department of Defense in-*
2 *volving medicare-eligible military retirees; and*

3 *(B) the existence of multiple overlapping benefits*
4 *for such retirees, including benefits available through*
5 *the Veterans Health Administration, medicare, and*
6 *private insurance.*

7 *(c) INDEPENDENT ADVISORY COMMITTEE.—(1) The*
8 *Secretary shall establish an independent advisory com-*
9 *mittee to assist the federally funded research and develop-*
10 *ment center described in subsection (a) in conducting the*
11 *study required by this section. The Secretary shall appoint*
12 *the members of the committee from among individuals*
13 *who—*

14 *(A) are not members of the uniformed services or*
15 *civilian employees of the Department of Defense;*

16 *(B) possess expertise in health insurance matters,*
17 *including matters regarding medigap plans and*
18 *TRICARE supplemental insurance policies;*

19 *(C) are representative of nongovernmental orga-*
20 *nizations and associations that represent the views*
21 *and interests of covered beneficiaries under chapter 55*
22 *of title 10, United States Code;*

23 *(D) are knowledgeable regarding the medicare*
24 *system, the military health care system, and the Vet-*
25 *erans' Health Administration; and*

1 (E) represent associations of major health care
2 providers and institutions.

3 (2) Members of the committee shall be appointed for
4 the life of the committee.

5 (3)(A) Each member of the committee who is not an
6 employee of the Government shall be paid at a rate equal
7 to the daily equivalent of the annual rate of basic pay pre-
8 scribed for level IV of the Executive Schedule under section
9 5315 of title 5, United States Code, for each day (including
10 travel time) during which such member is engaged in per-
11 forming the duties of the committee.

12 (B) Members of the committee may travel on aircraft,
13 vehicles, or other conveyances of the Armed Forces when
14 travel is necessary in the performance of a duty of the com-
15 mittee except when the cost of commercial transportation
16 is less expensive.

17 (C) The members of the committee may be allowed
18 travel expenses, including per diem in lieu of subsistence,
19 at rates authorized for employees of agencies under sub-
20 chapter I of chapter 57 of title 5, United States Code, while
21 away from their homes or regular places of business in the
22 performance of services for the committee.

23 (D)(i) A member of the committee who is an annuitant
24 otherwise covered by section 8344 or 8468 of title 5, United
25 States Code, by reason of membership on the committee

1 *shall not be subject to the provisions of such section with*
2 *respect to such membership.*

3 *(ii) A member of the committee who is a member or*
4 *former member of a uniformed service shall not be subject*
5 *to the provisions of subsections (b) and (c) of section 5532*
6 *of such title with respect to membership on the committee.*

7 *(4) The committee shall terminate 60 days after the*
8 *date on which the final report is submitted under subsection*
9 *(d).*

10 *(d)(1) DEADLINE FOR COMPLETION.—Not later than*
11 *September 30, 2002, the federally funded research and de-*
12 *velopment center described in subsection (a) shall submit*
13 *to the Secretary a report on the study, including its find-*
14 *ings and conclusions concerning each of the matters de-*
15 *scribed in subsection (b).*

16 *(2) Not later than December 31, 2002, the Secretary*
17 *shall submit the report, together and any comments of the*
18 *Secretary, to Congress, the Secretary of Veterans Affairs,*
19 *and the Secretary of Health and Human Services.*

20 *(e) COOPERATION BY DEPARTMENT OF DEFENSE.—*
21 *The Secretary shall require that all components of the De-*
22 *partment of Defense cooperate fully with the federally fund-*
23 *ed research and development center carrying out the study.*

1 **SEC. 723. EXTENDED COVERAGE UNDER FEDERAL EMPLOY-**
2 **EES HEALTH BENEFITS PROGRAM.**

3 (a) *EXPANSION OF COVERAGE FOR RETIREES OVER*
4 *AGE 65.*—Section 1108 of title 10, United States Code, is
5 amended by adding at the end the following:

6 “(m) *EXPANSION OF COVERAGE FOR RETIREES OVER*
7 *AGE 65.*—(1) *Eligible beneficiaries referred to in subsection*
8 *(b)(1) shall be permitted to enroll, or to extend a previous*
9 *enrollment entered into under subsection (d)(2), during a*
10 *period of open enrollment for the year 2003 (conducted in*
11 *the fall of 2002).*

12 “(2) *Subject to paragraphs (2) and (3) of subsection*
13 *(f), the period of enrollment, or extension of enrollment, of*
14 *an eligible beneficiary under paragraph (1) shall be one*
15 *year unless the beneficiary disenrolls before the termination*
16 *of the demonstration project.*”

17 (b) *EXTENSION OF PROJECT PERIOD.*—(1) *Subsection*
18 *(d) of such section is amended—*

19 (A) *in paragraph (1), by striking “three contract*
20 *years” and inserting “four contract years”; and*

21 (B) *in paragraph (2), by striking “December 31,*
22 *2002” in the second sentence and inserting “December*
23 *31, 2003”.*

24 (2) *Subsection (f)(1) of such section is amended by*
25 *striking “three” and inserting “four”.*

1 (3) *Subsection (k) of such section is amended by strik-*
2 *ing “December 31, 2002” and inserting “December 31,*
3 *2003”.*

4 (4) *Subsection (l)(2) of such section is amended by*
5 *striking “36 months” and inserting “48 months”.*

6 (c) *ADDITIONAL AREAS OF COVERAGE.—Subsection (c)*
7 *of such section is amended—*

8 (1) *by striking “, but not more than ten,”; and*

9 (2) *by striking the third sentence and inserting*
10 *the following: “In establishing the areas, the Secretary*
11 *and the Director of the Office of Personnel Manage-*
12 *ment shall include an area that includes the*
13 *catchment area of one or more military medical treat-*
14 *ment facilities, an area that is not located in the*
15 *catchment area of a military medical treatment facil-*
16 *ity, an area in which there is a Medicare Subvention*
17 *Demonstration project area under section 1896 of title*
18 *XVIII of the Social Security Act (42 U.S.C. 1395ggg),*
19 *and one area for each TRICARE region.”.*

20 **SEC. 724. EXTENSION OF TRICARE SENIOR SUPPLEMENT**
21 **PROGRAM.**

22 *Section 722(a)(2) of the Strom Thurmond National*
23 *Defense Authorization Act for Fiscal Year 1999 (Public*
24 *Law 105–261; 112 Stat. 2065; 10 U.S.C. 1073 note) is*

1 *amended by striking “December 31, 2002” and inserting*
2 *“December 31, 2003”.*

3 **SEC. 725. EXTENSION OF TRICARE SENIOR PRIME DEM-**
4 **ONSTRATION PROJECT.**

5 *(a) EXTENSION OF PROJECT.—Section 1896 of the So-*
6 *cial Security Act (42 U.S.C. 1395ggg) is amended in sub-*
7 *section (b)(4) by striking “3-year period beginning on Jan-*
8 *uary 1, 1998” and inserting “period beginning on January*
9 *1, 1998, and ending on December 31, 2003”;*

10 *(b) IMPLEMENTATION OF UTILIZATION REVIEW PRO-*
11 *CEDURES.—Subsection (b) of such section is further amend-*
12 *ed by adding at the end the following:*

13 *“(6) UTILIZATION REVIEW PROCEDURES.—The*
14 *Secretary of Defense shall develop and implement pro-*
15 *cedures to review utilization of health care services by*
16 *medicare-eligible military retirees and dependents*
17 *under this section in order to enable the Secretary of*
18 *Defense to more effectively manage the use of military*
19 *medical treatment facilities by such retirees and de-*
20 *pendents.”.*

21 *(c) REPORTS.—(1) Such section 1896 is further*
22 *amended in subsection (k)(1)—*

23 *(1) by striking “3½ years” and inserting “4½*
24 *years”; and*

1 (2) *by adding at the end the following new sub-*
2 *paragraphs:*

3 “(P) *Which interagency funding mecha-*
4 *nisms would be most appropriate if the project*
5 *under this section is made permanent.*

6 “(Q) *The ability of the Department of De-*
7 *fense to operate an effective and efficient man-*
8 *aged care system for medicare beneficiaries.*

9 “(R) *The ability of the Department of De-*
10 *fense to meet the managed care access and qual-*
11 *ity of care standards under medicare.*

12 “(S) *The adequacy of the data systems of*
13 *the Department of Defense for providing timely,*
14 *necessary, and accurate information required to*
15 *properly manage the demonstration project.”.*

16 (2) *Section 724 of the Strom Thurmond National De-*
17 *fense Authorization Act for Fiscal Year 1999 (Public Law*
18 *105–261; 10 U.S.C. 1108 note) is amended by inserting “the*
19 *demonstration project conducted under section 1896 of the*
20 *Social Security Act (42 U.S.C. 1395ggg),” after “section*
21 *722,”.*

1 ***Subtitle D—Other Matters***

2 ***SEC. 731. TRAINING IN HEALTH CARE MANAGEMENT AND***
3 ***ADMINISTRATION.***

4 (a) *EXPANSION OF PROGRAM.*—Section 715(a) of the
5 *National Defense Authorization Act for Fiscal Year 1996*
6 *(Public Law 104–106; 110 Stat 375; 10 U.S.C. 1073 note)*
7 *is amended—*

8 (1) *in paragraph (1)—*

9 (A) *by inserting “, deputy commander, and*
10 *managed care coordinator” after “commander”;*
11 *and*

12 (B) *by inserting “and any other person”*
13 *after “Defense”;*

14 (2) *by redesignating subsection (b) as subsection*
15 *(c); and*

16 (3) *by inserting after subsection (a) the following*
17 *new subsection:*

18 “(b) *LIMITATION ON ASSIGNMENT UNTIL COMPLETION*
19 *OF TRAINING.*—No person may be assigned as the com-
20 *mander, deputy commander, or managed care coordinator*
21 *of a military medical treatment facility or as a TRICARE*
22 *lead agent or senior member of the staff of a TRICARE*
23 *lead agent office until the Secretary of the military depart-*
24 *ment concerned submits a certification to the Secretary of*

1 *Defense that such person has completed the training de-*
2 *scribed in subsection (a).”.*

3 **(b) REPORT REQUIREMENT.**—(1) *Not later than six*
4 *months after the date of the enactment of this Act, the Sec-*
5 *retary of Defense shall submit to Congress a report on*
6 *progress in meeting the requirements in such section regard-*
7 *ing implementation of a professional educational program*
8 *to provide appropriate training in health care management*
9 *and administration.*

10 (2) *The report required by paragraph (1) shall include,*
11 *but shall not be limited to, the following:*

12 (A) *A survey of professional civilian certifi-*
13 *cations and credentials which demonstrate achieve-*
14 *ment of the requirements of such section.*

15 (B) *A description of the continuing education*
16 *activities required to obtain initial certification and*
17 *periodic required recertification.*

18 (C) *A description of the prominence of such cre-*
19 *denials or certifications among senior civilian health*
20 *care executives.*

21 **SEC. 732. STUDY OF ACCRUAL FINANCING FOR HEALTH**
22 **CARE FOR MILITARY RETIREES.**

23 **(a) STUDY REQUIRED.**—*The Secretary of Defense shall*
24 *carry out a study to assess the feasibility and desirability*
25 *of financing the military health care program for retirees*

1 of the uniformed services on an accrual basis. The study
2 shall be conducted by one or more Department of Defense
3 organizations designated by the Secretary.

4 (b) *REPORT.*—Not later than February 8, 2001, the
5 Secretary shall submit to Congress a report on the study,
6 including any comments on the matters studied that the
7 Secretary considers appropriate.

8 **SEC. 733. TRACKING PATIENT SAFETY IN MILITARY MED-**
9 **ICAL TREATMENT FACILITIES.**

10 (a) *CENTRALIZED TRACKING PROCESS.*—The Sec-
11 retary of Defense shall implement a centralized process for
12 the reporting, compiling, and analysis of errors in the pro-
13 vision of health care in military medical treatment facili-
14 ties that endanger patients beyond the normal risks associ-
15 ated with the care and treatment of the patients.

16 (b) *SAFETY INDICATORS, STANDARDS, AND PROTO-*
17 *COLS.*—The process shall include such indicators, stand-
18 ards, and protocols as the Secretary of Defense considers
19 necessary for the establishment and administration of an
20 effective process.

21 **SEC. 734. PHARMACEUTICAL IDENTIFICATION TECH-**
22 **NOLOGY.**

23 (a) *BAR CODE IDENTIFICATION TECHNOLOGY.*—The
24 Secretary of Defense shall develop a system for the use of
25 bar codes for the identification of pharmaceuticals in order

1 *to provide for the safest use possible of such pharma-*
 2 *ceuticals.*

3 (b) *USE IN NATIONAL MAIL ORDER PHARMA-*
 4 *CEUTICALS DEMONSTRATION PROJECT.*—*The Secretary*
 5 *shall implement the use of bar code identification of phar-*
 6 *maceuticals in the administration of the mail order phar-*
 7 *maceutical demonstration project being carried out under*
 8 *section 702 of the National Defense Authorization Act for*
 9 *Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2431;*
 10 *10 U.S.C. 1079 note).*

11 **SEC. 735. MANAGEMENT OF VACCINE IMMUNIZATION PRO-**
 12 **GRAM.**

13 (a) *IN GENERAL.*—(1) *Chapter 55 of title 10, United*
 14 *States Code, is amended by adding at the end the following*
 15 *new section:*

16 **“§1110. Policies and procedures for immunization**
 17 **program**

18 “(a) *SYSTEM AND PROCEDURES FOR TRACKING SEPA-*
 19 *RATIONS.*—(1) *The Secretary of each military department*
 20 *shall establish a system for tracking, recording, and report-*
 21 *ing separations of members of the armed forces that result*
 22 *from procedures initiated as a result of a refusal to partici-*
 23 *pate in the anthrax vaccine immunization program.*

24 “(2) *The Secretary of Defense shall consolidate the in-*
 25 *formation recorded under the system described in para-*

1 *graph (1) and shall submit to the Committees on Armed*
2 *Services of the House of Representatives and the Senate on*
3 *an annual basis a report on such information. Such reports*
4 *shall include a description of—*

5 “(A) *the number of personnel separated, cat-*
6 *egorized by military department, rank, and active-*
7 *duty or reserve status; and*

8 “(B) *any other information determined appro-*
9 *priate by the Secretary.*

10 “(b) *EMERGENCY ESSENTIAL CIVILIAN PERSONNEL.—*
11 *The Secretary of Defense shall—*

12 “(1) *prescribe regulations for the purpose of en-*
13 *sureing that any civilian employee of the Department*
14 *of Defense who is determined to be an emergency es-*
15 *sential employee and who is required to participate*
16 *in the anthrax vaccination program is notified of the*
17 *requirement to participate in the program and the*
18 *consequences of a decision not to participate; and*

19 “(2) *ensure that any individual who is being*
20 *considered for a position as such an employee is noti-*
21 *fied of the obligation to participate in the program*
22 *before being offered employment in such position.*

23 “(c) *PROCEDURES FOR MEDICAL AND ADMINISTRA-*
24 *TIVE EXEMPTIONS.—(1) The Secretary of Defense shall es-*
25 *tablish uniform procedures under which members of the*

1 *armed forces may be exempted from participating in the*
2 *anthrax vaccination program for either administrative or*
3 *medical reasons.*

4 “(2) *The Secretaries of the military departments shall*
5 *provide for notification of all members of the armed forces*
6 *of the procedures described in paragraph (1).*

7 “(d) *SYSTEM FOR MONITORING ADVERSE REAC-*
8 *TIONS.—(1) The Secretary of Defense shall establish a sys-*
9 *tem for monitoring adverse reactions of members of the*
10 *armed forces to the anthrax vaccine which shall include the*
11 *following:*

12 “(A) *Independent review of Vaccine Adverse*
13 *Event Reporting System reports.*

14 “(B) *Periodic surveys of personnel to whom the*
15 *vaccine is administered.*

16 “(C) *A continuing longitudinal study of a pre-*
17 *identified group of members of the armed forces (in-*
18 *cluding men and women and members from all serv-*
19 *ices).*

20 “(D) *Active surveillance of a sample of members*
21 *to whom the anthrax vaccine has been administered*
22 *that is sufficient to identify, at the earliest oppor-*
23 *tunity, any patterns of adverse reactions, the dis-*
24 *covery of which might be delayed by reliance solely on*
25 *the Vaccine Adverse Event Reporting System.*

1 “(2) *The Secretary may extend or expand any ongoing*
2 *or planned study or analysis of trends in adverse reactions*
3 *of members of the armed forces to the anthrax vaccine in*
4 *order to meet any of the requirements in paragraph (1).*

5 “(3) *The Secretary shall establish guidelines under*
6 *which members of the armed forces who are determined by*
7 *an independent expert panel to be experiencing unexplained*
8 *adverse reactions may obtain access to a Department of De-*
9 *fense Center of Excellence treatment facility for expedited*
10 *treatment and follow up.*

11 “(e) *VACCINE DEVELOPMENT AND PROCUREMENT.—*
12 *(1) The Secretary of Defense shall develop a plan, including*
13 *milestones, for modernizing all vaccines used or anticipated*
14 *to be used as part of the protection strategy for members*
15 *of the armed forces.*

16 “(2) *The Secretary—*

17 “(A) *shall, to the maximum extent possible, be*
18 *the sole purchaser of a vaccine to immunize members*
19 *of the armed forces and employees of all Federal agen-*
20 *cies;*

21 “(B) *shall, to the maximum extent possible, pro-*
22 *cedure such a vaccine from more than one manufac-*
23 *turer; and*

24 “(C) *in any case in which the Secretary deter-*
25 *mines that sole source procurement of such a vaccine*

1 *is necessary, may not enter into a contract to pur-*
2 *chase such vaccine until 30 days after providing noti-*
3 *fication to the Committees on Armed Services of the*
4 *House of Representatives and the Senate that the Sec-*
5 *retary intends to enter into a sole source contract for*
6 *the vaccine.”.*

7 *(2) The table of sections at the beginning of such chap-*
8 *ter is amended by adding at the end the following new item:*
 “1110. Policies and procedures for immunization program.”.

9 *(b) COMPTROLLER GENERAL REPORTS.—(1)(A) Not*
10 *later than April 1, 2002, the Comptroller General shall sub-*
11 *mit to the Committees on Armed Service of the House of*
12 *Representatives and the Senate a report on the impact of*
13 *the anthrax vaccination program on the recruitment and*
14 *retention of active duty and reserve military personnel and*
15 *civilian personnel of the Armed Forces. The study shall*
16 *cover the period beginning on the date of the enactment of*
17 *this Act and ending on December 31, 2001.*

18 *(B) The Comptroller General shall include in the re-*
19 *port required by paragraph (1) a description of any per-*
20 *sonnel actions (including transfer, termination, or reassign-*
21 *ment of any personnel) taken as a result of the refusal of*
22 *any civilian employee of the Department of Defense to par-*
23 *ticipate in the anthrax vaccination program.*

24 *(2) Not later than March 1 of each of years 2001*
25 *through 2004, the Comptroller General shall review and*

1 *submit to the Committees on Armed Service of the House*
2 *of Representatives and the Senate a report on the financial*
3 *operations of the manufacturer of the anthrax vaccine ad-*
4 *ministered through the anthrax vaccine immunization pro-*
5 *gram of the Department of Defense. Under such review, the*
6 *Comptroller General shall—*

7 (A) *consider the findings and observations of any*
8 *other Federal or State reports relating to such finan-*
9 *cial operations;*

10 (B) *examine the compliance of the Department of*
11 *Defense and its contractors with the Federal Acquisi-*
12 *tion Regulation; and*

13 (C) *make recommendations for improving the fi-*
14 *nancial stability of the manufacturer.*

15 (c) *DOD REPORTS ON MANAGEMENT OF ANTHRAX*
16 *VACCINE IMMUNIZATION PROGRAM.—(1) Not later than*
17 *April 1 of each of years 2001 through 2004, the Secretary*
18 *of Defense shall submit to the Committees on Armed Service*
19 *of the House of Representatives and the Senate a report de-*
20 *scribing, with respect to each contract relating to the an-*
21 *thrax vaccination program, the costs incurred by, and pay-*
22 *ments made to, each contractor or other entity engaged in*
23 *the production, storage, distribution, or marketing of the*
24 *anthrax vaccine administered by the Department of De-*
25 *fense.*

1 (B) *The first report submitted under subparagraph (A)*
2 *shall include the following:*

3 (i) *An estimate of the life-cycle cost for the an-*
4 *thrax vaccination program.*

5 (ii) *A description of the acquisition strategy for*
6 *the program, including the applicable acquisition cat-*
7 *egory.*

8 (iii) *An assessment of the Governmentwide re-*
9 *quirements with respect to the anthrax vaccine and*
10 *the financial and manufacturing ability of the manu-*
11 *facturer of the anthrax vaccine to meet such require-*
12 *ments.*

13 (iv) *A description of the status of supplements to*
14 *the anthrax vaccine licenses of the contractors and*
15 *whether the Food and Drug Administration has ap-*
16 *proved or is anticipated to approve all anthrax vac-*
17 *cine doses manufactured.*

18 (v) *A summary of all audits by the Defense Con-*
19 *tract Audit Agency or the Inspector General of the*
20 *Department of Defense of anthrax vaccine contracts of*
21 *the Department of Defense and a description of any*
22 *actions taken or planned to be taken in response to*
23 *recommendations regarding such audits.*

24 (vi) *A review of all actions taken by the Depart-*
25 *ment of Defense to coordinate with other Federal*

1 *of the uniformed services who are entitled to care under sec-*
2 *tion 1074(a) of title 10, United States Code.*

3 *(2) The plan shall provide for the following:*

4 *(A) Direct access, at designated military medical*
5 *treatment facilities, to the scope of chiropractic serv-*
6 *ices as determined by the Secretary, which includes,*
7 *at a minimum, care for neuro-musculoskeletal condi-*
8 *tions typical among military personnel on active*
9 *duty.*

10 *(B) A detailed analysis of the projected costs of*
11 *fully integrating chiropractic health care services into*
12 *the military health care system.*

13 *(C) An examination of the proposed military*
14 *medical treatment facilities at which such services*
15 *would be provided.*

16 *(D) An examination of the military readiness re-*
17 *quirements for chiropractors who would provide such*
18 *services.*

19 *(E) An examination of any other relevant factors*
20 *that the Secretary considers appropriate.*

21 *(F) Phased-in implementation of the plan over a*
22 *five-year period, beginning on October 1, 2001.*

23 *(b) CONSULTATION REQUIREMENTS.—The Secretary of*
24 *Defense shall consult with the other administering Secre-*
25 *taries described in section 1073 of title 10, United States*

1 Code, and the oversight advisory committee established
2 under section 731 of the National Defense Authorization Act
3 for Fiscal Year 1995 (Public Law 103–337; 10 U.S.C. 1092
4 note) regarding the following:

5 (1) *The development and implementation of the*
6 *plan required under subsection (a).*

7 (2) *Each report that the Secretary is required to*
8 *submit to Congress regarding the plan.*

9 (3) *The selection of the military medical treat-*
10 *ment facilities at which the chiropractic services de-*
11 *scribed in subsection (a)(2)(A) are to be provided.*

12 (c) *CONTINUATION OF CURRENT SERVICES.—Until the*
13 *plan required under subsection (a) is implemented, the Sec-*
14 *retary shall continue to furnish the same level of chiro-*
15 *practic health care services and benefits under the Defense*
16 *Health Program that is provided during fiscal year 2000*
17 *at military medical treatment facilities that provide such*
18 *services and benefits.*

19 (d) *REPORT REQUIRED.—Not later than January 31,*
20 *2001, the Secretary of Defense shall submit a report on the*
21 *plan required under subsection (a), together with appro-*
22 *priate appendices and attachments, to the Committees on*
23 *Armed Services of the Senate and the House of Representa-*
24 *tives.*

1 (e) *GAO REPORTS.*—*The Comptroller General shall*
2 *monitor the development and implementation of the plan*
3 *required under subsection (a), including the administration*
4 *of services and benefits under the plan, and periodically*
5 *submit to the committees referred to in subsection (d) writ-*
6 *ten reports on such development and implementation.*

7 (f) *FUNDING.*—*The Secretary of Defense shall transfer*
8 *\$3,000,000 from the Foreign Currency Fluctuations, De-*
9 *fense account to the Defense Health Program account, which*
10 *amount shall only be available for purposes of carrying out*
11 *this section.*

12 **SEC. 738. VA-DOD SHARING AGREEMENTS FOR HEALTH**
13 **SERVICES.**

14 (a) *PRIMACY OF SHARING AGREEMENTS.*—*The Sec-*
15 *retary of Defense shall—*

16 (1) *give full force and effect to any agreement*
17 *into which the Secretary or the Secretary of a mili-*
18 *tary department entered under section 8111 of title*
19 *38, United States Code, or under section 1535 of title*
20 *31, United States Code, which was in effect on Sep-*
21 *tember 30, 1999; and*

22 (2) *ensure that the Secretary of the military de-*
23 *partment concerned directly reimburses the Secretary*
24 *of Veterans Affairs for any services or resources pro-*
25 *vided under such agreement in accordance with the*

1 *terms of such an agreement, including terms pro-*
2 *viding for reimbursement from funds available for*
3 *that military department.*

4 *(b) MODIFICATION OR TERMINATION.—Any agreement*
5 *described in subsection (a) shall remain in effect in accord-*
6 *ance with such subsection unless, during the 12-month pe-*
7 *riod following the date of the enactment of this Act, such*
8 *agreement is modified or terminated in accordance with the*
9 *terms of such agreement.*

10 **TITLE VIII—ACQUISITION POL-**
11 **ICY, ACQUISITION MANAGE-**
12 **MENT, AND RELATED MAT-**
13 **TERS**

14 **SEC. 801. EXTENSION OF AUTHORITY FOR DEPARTMENT OF**
15 **DEFENSE ACQUISITION PILOT PROGRAMS;**
16 **REPORTS REQUIRED.**

17 *(a) IN GENERAL.—Notwithstanding section 5064(d) of*
18 *the Federal Acquisition Streamlining Act of 1994 (Public*
19 *Law 103–355; 10 U.S.C. 2430 note), the special authorities*
20 *provided under section 5064(c) of such Act shall continue*
21 *to apply with respect to programs designated under section*
22 *5064(a) of such Act through September 30, 2005.*

23 *(b) JDAM PILOT PROGRAM.—The Secretary of De-*
24 *fense may award Joint Direct Attack Munition contracts*
25 *and modifications on the same terms and conditions as con-*

1 tained in the Joint Direct Attack Munition contract
2 F08626-94-C-0003.

3 (c) *REPORTS REQUIRED.*—(1) *Not later than January*
4 *1, 2001, the Secretary of Defense shall submit to the Com-*
5 *mittees on Armed Services of the House of Representatives*
6 *and the Senate a report on the acquisition pilot programs*
7 *of the Department of Defense. Such report shall include a*
8 *description of the following with respect to each acquisition*
9 *program participating in the pilot program:*

10 (A) *Each quantitative measure and goal estab-*
11 *lished for each item described in paragraph (2),*
12 *which of such goals have been achieved, and the extent*
13 *to which the use of the authorities in section 809 of*
14 *the National Defense Authorization Act for Fiscal*
15 *Year 1991 (Public Law 101-510; 10 U.S.C. 2430*
16 *note) and section 5064 of the Federal Acquisition*
17 *Streamlining Act of 1994 (Public Law 103-355; 10*
18 *U.S.C. 2430 note) were a factor in achieving each of*
19 *such goals.*

20 (B) *Each of the regulations and statutes waived,*
21 *as authorized under such sections, in order to achieve*
22 *such goals.*

23 (C) *Recommended revisions to statutes or the*
24 *Federal Acquisition Regulation as a result of partici-*
25 *pation in the pilot program.*

1 (D) Any other acquisition programs which could
2 benefit from participation in the pilot program, and
3 the reasons why such programs could benefit from
4 such participation.

5 (E) Any innovative business practices developed
6 as a result of participation in the pilot program,
7 whether such business practices could be applied to
8 other acquisition programs, and any impediments to
9 application of such practices to other programs.

10 (F) Technological changes to the program, and to
11 what extent those changes affected the items in para-
12 graph (2).

13 (G) Any other information determined appro-
14 priate by the Secretary.

15 (2) The items under this paragraph are, with respect
16 to defense acquisition programs, the following:

17 (A) The acquisition management costs.

18 (B) The unit cost of the items procured.

19 (C) The acquisition cycle.

20 (D) The total cost of carrying out the contract.

21 (E) Staffing necessary to carry out the program.

22 **SEC. 802. TECHNICAL DATA RIGHTS FOR ITEMS DEVELOPED**
23 **EXCLUSIVELY AT PRIVATE EXPENSE.**

24 (a) AMENDMENTS TO TITLE 10.—Section 2320(a)(2)
25 of title 10, United States Code, is amended—

1 (1) *in subparagraph (C)—*

2 (A) *by amending clause (iii) to read as fol-*
3 *lows:*

4 “*(iii) is necessary for normal operation*
5 *(other than detailed manufacturing or processing*
6 *data), maintenance, installation, or training*
7 *when such services are to be provided by an enti-*
8 *ty other than the contractor or its subcon-*
9 *tractor;”;*

10 (B) *by redesignating clause (iv) as (v); and*

11 (C) *by inserting after clause (iii) the fol-*
12 *lowing new clause (iv):*

13 “*(iv) is necessary for critical operation,*
14 *maintenance, installation of deployed equipment,*
15 *or training, when such services are to be pro-*
16 *vided by an entity other than the contractor or*
17 *its subcontractor; or”;*

18 (2) *in subparagraph (F)(i)—*

19 (A) *in subclause (I)—*

20 (i) *by inserting “clause (i), (ii), (iv),*
21 *or (v) of” before “subparagraph (C)”;* and

22 (ii) *by striking “or” at the end; and*

23 (B) *by adding at the end the following new*
24 *subclause:*

1 “(III) under the conditions described
2 in subsection (a)(2)(C)(iii), reaching agree-
3 ment in negotiations concerning provision
4 of the rights involved may not be required
5 as a condition of being responsive to a solici-
6 tation, but may be a condition for the
7 award of a contract; or”;

8 (3) by adding at the end the following new sub-
9 paragraphs:

10 “(H) In a case described in subparagraph
11 (C)(iii), the provision of the rights involved shall be
12 subject to negotiations between the Government and
13 the contractor or contractors involved.

14 “(I) A description of the difference between ‘nor-
15 mal operation’ and ‘critical operation’, as such terms
16 are used in subparagraph (C).”.

17 (b) *DEADLINE FOR PROPOSAL OF CERTAIN REGULA-*
18 *TIONS.—The Secretary of Defense shall propose, before initi-*
19 *ating notice and opportunity for public comment, initial*
20 *regulations regarding section 2320(a)(2)(I) of title 10,*
21 *United States Code (as added by subsection (a)(3)), not*
22 *later than 60 days after the date of the enactment of this*
23 *Act.*

1 **SEC. 803. MANAGEMENT OF ACQUISITION OF MISSION-ES-**
2 **SENTIAL SOFTWARE FOR MAJOR DEFENSE**
3 **ACQUISITION PROGRAMS.**

4 (a) *DESIGNATION OF DIRECTOR OF MISSION-ESSEN-*
5 *TIAL SOFTWARE MANAGEMENT.*—Chapter 4 of title 10,
6 *United States Code, is amended by adding at the end the*
7 *following new section:*

8 **“§ 144. Director of Mission-Essential Software Man-**
9 **agement**

10 “(a) *The Under Secretary of Defense for Acquisition,*
11 *Technology, and Logistics shall designate within the Office*
12 *of the Under Secretary of Defense for Acquisition, Tech-*
13 *nology, and Logistics a Director of Mission-Essential Soft-*
14 *ware Management.*

15 “(b) *The Director of Mission-Essential Software Man-*
16 *agement shall provide effective oversight of, and shall seek*
17 *to improve mechanisms for, the management, development,*
18 *and maintenance of mission-essential software for major de-*
19 *fense acquisition programs described in subsection (c).*

20 “(c) *For purposes of this section, mission-essential soft-*
21 *ware for major defense acquisition programs is software—*

22 “(1) *that is an integral part of software-inten-*
23 *sive major defense acquisition programs; and*

24 “(2) *that is physically part of, dedicated to, or*
25 *essential to the mission performance of a weapons*
26 *system.*

1 “(d) *The Director of Mission-Essential Software Man-*
2 *agement shall be responsible for—*

3 “(1) *reviewing the policies and practices of the*
4 *military departments and Defense Agencies for devel-*
5 *oping software described in subsection (c);*

6 “(2) *reviewing planning and progress in the*
7 *management of such software; and*

8 “(3) *recommending goals and plans to improve*
9 *management with respect to such software.”.*

10 (b) *CLERICAL AMENDMENT.—The table of sections at*
11 *the beginning of such chapter is amended by adding at the*
12 *end the following new item:*

“144. Director of Mission-Essential Software Management.”.

13 **SEC. 804. EXTENSION OF WAIVER PERIOD FOR LIVE-FIRE**
14 **SURVIVABILITY TESTING FOR MH-47E AND**
15 **MH-60K HELICOPTER MODIFICATION PRO-**
16 **GRAMS.**

17 (a) *EXISTING WAIVER PERIOD NOT APPLICABLE.—*
18 *Section 2366(c)(1) of title 10, United States Code, shall not*
19 *apply with respect to survivability and lethality tests for*
20 *the MH-47E and MH-60K helicopter modification pro-*
21 *grams. Except as provided in the previous sentence, the pro-*
22 *visions and requirements in section 2366(c) of such title*
23 *shall apply with respect to such programs, and the certifi-*
24 *cation required by subsection (b) shall comply with the re-*
25 *quirements in paragraph (3) of such section.*

1 (b) *EXTENDED PERIOD FOR WAIVER.*—*With respect to*
2 *the MH-47E and MH-60K helicopter modification pro-*
3 *grams, the Secretary of Defense may waive the application*
4 *of the survivability and lethality tests described in section*
5 *2366(a) of title 10, United States Code, if the Secretary,*
6 *before full materiel release of the MH-47E and MH-60K*
7 *helicopters for operational use, certifies to Congress that*
8 *live-fire testing of the programs would be unreasonably ex-*
9 *pensive and impracticable.*

10 (c) *CONFORMING AMENDMENT.*—*Section 142(a) of the*
11 *National Defense Authorization Act for Fiscal Year 1993*
12 *(Public Law 102-484; 106 Stat. 2338) is amended by strik-*
13 *ing “and survivability testing” in paragraphs (1) and (2).*

14 **SEC. 805. THREE-YEAR EXTENSION OF AUTHORITY OF DE-**
15 **FENSE ADVANCED RESEARCH PROJECTS**
16 **AGENCY TO CARRY OUT CERTAIN PROTOTYPE**
17 **PROJECTS.**

18 Section 845(c) of the *National Defense Authorization*
19 *Act for Fiscal Year 1994 (10 U.S.C. 2371 note) is amended*
20 *by striking “September 30, 2001” and inserting “September*
21 *30, 2004”.*

1 **SEC. 806. CERTIFICATION OF MAJOR AUTOMATED INFOR-**
2 **MATION SYSTEMS AS TO COMPLIANCE WITH**
3 **CLINGER-COHEN ACT.**

4 (a) *MILESTONE APPROVAL.*—(1) *During fiscal years*
5 *2001, 2002, and 2003, a major automated information sys-*
6 *tem may not receive Milestone I approval, Milestone II ap-*
7 *proval, or Milestone III approval within the Department*
8 *of Defense until the Chief Information Officer certifies, with*
9 *respect to that milestone, that the system is being developed*
10 *in accordance with the Clinger-Cohen Act of 1996 (40*
11 *U.S.C. 1401 et seq.). The Chief Information Officer may*
12 *require additional certifications, as appropriate, with re-*
13 *spect to any such system.*

14 (2) *The Chief Information Officer shall provide the*
15 *congressional defense committees notification of each certifi-*
16 *cation under paragraph (1). Each such notification shall*
17 *be submitted not later than 10 days after the date of the*
18 *Milestone approval to which the certification relates and*
19 *shall include, at a minimum, the funding baseline and*
20 *milestone schedule for the system covered by the certification*
21 *and confirmation that the following steps have been taken*
22 *with respect to the system:*

23 (A) *Business process reengineering.*

24 (B) *An analysis of alternatives.*

25 (C) *An economic analysis that includes a cal-*
26 *culatation of the return on investment.*

1 (D) *Performance measures.*

2 (E) *An information assurance strategy con-*
3 *sistent with the Department's Command, Control,*
4 *Communications, Computers, Intelligence, Surveil-*
5 *lance, and Reconnaissance (C⁴ISR) Architecture*
6 *Framework.*

7 (b) *NOTICE OF DESIGNATION OF SYSTEMS AS SPECIAL*
8 *INTEREST MAJOR TECHNOLOGY INITIATIVES.—(1) When-*
9 *ever during fiscal year 2001, 2002, or 2003 the Chief Infor-*
10 *mation Officer designates a major automated information*
11 *system of the Department of Defense as a "special interest*
12 *major technology initiative", the Chief Information Officer*
13 *shall notify the congressional defense committees of such*
14 *designation. Such notice shall be provided not later than*
15 *30 days after the date of the designation. Any such notice*
16 *shall include the rationale for the decision to make the des-*
17 *ignation and a description of the program management*
18 *oversight that will be implemented for the system so des-*
19 *ignated.*

20 (2) *Not later than 60 days after the date of the enact-*
21 *ment of this Act, the Chief Information Officer shall submit*
22 *to the congressional defense committees a report specifying*
23 *each information system of the Department of Defense cur-*
24 *rently designated as a "special interest major technology*
25 *initiative". The report shall include for each such system*

1 *the information specified in the third sentence of paragraph*
2 *(1).*

3 *(c) DEFINITIONS.—For purposes of this section:*

4 *(1) The term “Chief Information Officer” means*
5 *the senior official of the Department of Defense des-*
6 *ignated by the Secretary of Defense pursuant to sec-*
7 *tion 3506 of title 44, United States Code.*

8 *(2) The term “major automated information sys-*
9 *tem” has the meaning given that term in Department*
10 *of Defense Directive 5000.1.*

11 **SEC. 807. LIMITATIONS ON PROCUREMENT OF CERTAIN**
12 **ITEMS.**

13 *Section 2534 of title 10, United States Code, is*
14 *amended—*

15 *(1) in subsection (a), by adding at the end the*
16 *following new paragraph:*

17 *“(6) POLYACRYLONITRILE CARBON FIBER.—*
18 *Polyacrylonitrile carbon fiber in accordance with sub-*
19 *part 225.71 of part 225 of the Defense Federal Acqui-*
20 *sition Regulation Supplement, as in effect on April 1,*
21 *2000.”; and*

22 *(2) in subsection (c)—*

23 *(A) by striking paragraph (2)(C) and in-*
24 *serting the following:*

1 “(C)(i) Subsection (a)(4)(B), subparagraph (B),
2 and this clause shall cease to be effective on October
3 1, 1996.

4 “(ii) Subsection (a)(4)(A), subparagraph (A),
5 and this clause shall cease to be effective on October
6 1, 2003.”;

7 (B) by striking paragraph (3);

8 (C) by redesignating paragraph (4) as
9 paragraph (3); and

10 (D) by adding at the end the following new
11 paragraph (4):

12 “(4) *POLYACRYLONITRILE CARBON FIBER.*—Sub-
13 section (a)(6) and this paragraph shall cease to be ef-
14 fective on October 1, 2003.”.

15 **SEC. 808. MULTIYEAR SERVICES CONTRACTS.**

16 (a) *IN GENERAL.*—Chapter 137 of title 10, United
17 States Code, is amended—

18 (1) in section 2306(g), by striking paragraph (3)
19 and inserting the following:

20 “(3) Additional provisions regarding mulityear con-
21 tracts for the purchase of services are provided in section
22 2306b of this title.”;

23 (2) in section 2306b—

24 (A) in the heading, by inserting “**or serv-**
25 **ices**” after “**property**”;

- 1 (B) in subsection (a)—
- 2 (i) in the matter following the sub-
- 3 section heading, by striking “for the pur-
- 4 chase of property”;
- 5 (ii) in paragraph (2), by inserting “or
- 6 services” after “property”; and
- 7 (iii) in paragraph (4)—
- 8 (I) by striking “That” and insert-
- 9 ing “In the case of a contract for the
- 10 purchase of property, that”; and
- 11 (II) by inserting “or services”
- 12 after “property” the last place such
- 13 term appears; and
- 14 (C) in subsection (f)(2), by inserting “or
- 15 services” after “property”; and
- 16 (3) by amending the item relating to section
- 17 2306b in the table of sections at the beginning of such
- 18 chapter to read as follows:

“2306b. *Multiyear contracts: acquisition of property or services.*”.

- 19 (b) *APPLICABILITY.*—*The amendments made by this*
- 20 *section shall apply with respect to a contract entered into*
- 21 *after the date the enactment of this Act.*

1 **SEC. 809. STUDY ON IMPACT OF FOREIGN SOURCING OF**
2 **SYSTEMS ON LONG-TERM MILITARY READI-**
3 **NESS AND RELATED INDUSTRIAL INFRA-**
4 **STRUCTURE.**

5 (a) *STUDY REQUIRED.*—*The Secretary of Defense shall*
6 *conduct a study analyzing in detail—*

7 (1) *the amount and source of parts, components,*
8 *and materials of the systems described in subsection*

9 *(b) that are obtained—*

10 (A) *from domestic sources; and*

11 (B) *from foreign sources;*

12 (2) *the impact of obtaining such parts, compo-*
13 *nents, and materials from foreign sources on the long-*
14 *term readiness of the Armed Forces and on the eco-*
15 *nomics viability of the industrial infrastructure of the*
16 *United States that supports defense needs;*

17 (3) *the impact on military readiness that would*
18 *result from the loss of the ability to obtain parts, com-*
19 *ponents, and materials identified pursuant to para-*
20 *graph (1) from foreign sources; and*

21 (4) *the availability of domestic sources for parts,*
22 *components, and materials identified as being ob-*
23 *tained from foreign sources pursuant to paragraph*
24 *(1).*

25 (b) *SYSTEMS.*—*The systems referred to in subsection*
26 *(a) are the following:*

- 1 (1) *AH-64D Apache helicopter.*
- 2 (2) *F/A-18 E/F aircraft.*
- 3 (3) *M1A2 Abrams tank.*
- 4 (4) *AIM-120 AMRAAM missile.*
- 5 (5) *Patriot missile ground station.*
- 6 (6) *Hellfire missile.*
- 7 (7) *M-16 A3 rifle.*
- 8 (8) *AN/VPS-2 radar.*

9 (c) *SOURCE OF INFORMATION.*—*The Secretary shall*
10 *collect information to be analyzed under the study from*
11 *prime contractors and first and second tier subcontractors.*

12 (d) *REQUIREMENT TO CREATE DATABASE.*—*The Sec-*
13 *retary shall create an interactive database for the purpose*
14 *of compiling, analyzing, and updating data gathered for*
15 *the study required by this section.*

16 (e) *REPORT REQUIRED.*—*Not later than 9 months*
17 *after the date of the enactment of this Act, the Secretary*
18 *shall submit to Congress a report describing the results of*
19 *the study required by this section.*

20 (f) *FOREIGN SOURCE DEFINED.*—*In this section, the*
21 *term “foreign source” means a country other than the*
22 *United States.*

1 **SEC. 810. PROHIBITION AGAINST USE OF DEPARTMENT OF**
2 **DEFENSE FUNDS TO GIVE OR WITHHOLD A**
3 **PREFERENCE TO A MARKETER OR VENDOR**
4 **OF FIREARMS OR AMMUNITION.**

5 (a) *IN GENERAL.*—No funds authorized to be appro-
6 priated for the Department of Defense may be used to give
7 or withhold a preference to a marketer or vendor of firearms
8 or ammunition based on whether the manufacturer or ven-
9 dor is a party to a covered agreement.

10 (b) *COVERED AGREEMENT DEFINED.*—For purposes of
11 this section, the term “covered agreement” means any agree-
12 ment requiring a person engaged in a business licensed
13 under chapter 44 of title 18, United States Code, to abide
14 by a designated code of conduct, operating practice, or prod-
15 uct design respecting importing, manufacturing, or dealing
16 in firearms or ammunition.

17 **SEC. 811. STUDY AND REPORT ON PRACTICE OF CONTRACT**
18 **BUNDLING IN MILITARY CONSTRUCTION**
19 **CONTRACTS.**

20 (a) *STUDY REQUIRED.*—The Comptroller General of
21 the United States shall conduct a study regarding the use
22 of the practice known as “contract bundling” with respect
23 to military construction contracts.

24 (b) *REPORT.*—Not later than February 1, 2001, the
25 Comptroller General shall submit to the congressional de-

1 *fense committees a report on the results of the study con-*
2 *ducted under subsection (a).*

3 **TITLE IX—DEPARTMENT OF**
4 **DEFENSE ORGANIZATION**
5 **AND**
6 **MANAGEMENT**

7 **SEC. 901. CHANGE OF TITLE OF CERTAIN POSITIONS IN THE**
8 **HEADQUARTERS, MARINE CORPS.**

9 (a) *INSTITUTION OF POSITIONS AS DEPUTY COM-*
10 *MANDANTS.—Section 5041(b) of title 10, United States*
11 *Code, is amended—*

12 (1) *by striking paragraphs (3) through (5) and*
13 *inserting the following:*

14 “(3) *The Deputy Commandants.*”; and

15 (2) *by redesignating paragraphs (6) and (7) as*
16 *paragraphs (4) and (5), respectively.*

17 (b) *DESIGNATION OF DEPUTY COMMANDANTS.—(1)*
18 *Section 5045 of such title is amended to read as follows:*

19 **“§ 5045. Deputy Commandants**

20 *“There are in the Headquarters Marine Corps, not*
21 *more than five Deputy Commandants, detailed by the Sec-*
22 *retary of the Navy from officers on the active-duty list of*
23 *the Marine Corps.”.*

1 (2) *The item relating to section 5045 in the table of*
2 *sections at the beginning of chapter 506 of such title is*
3 *amended to read as follows:*

 “5045. *Deputy Commandants.*”.

4 (c) *CONFORMING AMENDMENT.*—*Section 1502(7)(D) of*
5 *the Armed Forces Retirement Home Act of 1991 (24 U.S.C.*
6 *401) is amended to read as follows:*

7 “(D) *the Deputy Commandant of the Ma-*
8 *rine Corps with responsibility for personnel mat-*
9 *ters.*”.

10 **SEC. 902. FURTHER REDUCTIONS IN DEFENSE ACQUI-**
11 **SION AND SUPPORT WORKFORCE.**

12 (a) *REDUCTION OF DEFENSE ACQUISITION AND SUP-*
13 *PORT WORKFORCE.*—*The Secretary of Defense shall accom-*
14 *plish reductions in defense acquisition and support per-*
15 *sonnel positions during fiscal year 2001 so that the total*
16 *number of such personnel as of October 1, 2001, is less than*
17 *the total number of such personnel as of October 1, 2000,*
18 *by at least 13,000.*

19 (b) *IMPLEMENTATION PLAN.*—(1) *The Secretary of De-*
20 *fense shall develop an implementation plan for reshaping,*
21 *recruiting, and sustaining the defense acquisition and sup-*
22 *port workforce in the future.*

23 (2) *Not later than May 1, 2001, the Secretary shall*
24 *submit to the Committee on Armed Services of the Senate*
25 *and the Committee on Armed Services of the House of Rep-*

1 *representatives a report setting forth the plan developed under*
 2 *paragraph (1). The Secretary shall include in the report*
 3 *a proposal for any recommended changes in law that are*
 4 *necessary to implement the plan.*

5 *(c) DEFENSE ACQUISITION WORKFORCE DEFINED.—*
 6 *For purposes of this section, the term “defense acquisition*
 7 *and support workforce” has the meaning given that term*
 8 *in section 931(d) of the Strom Thurmond National Defense*
 9 *Authorization Act for Fiscal Year 1999 (Public Law 105–*
 10 *261; 112 Stat. 2106).*

11 **SEC. 903. CLARIFICATION OF SCOPE OF INSPECTOR GEN-**
 12 **ERAL AUTHORITIES UNDER MILITARY WHIS-**
 13 **TLEBLOWER LAW.**

14 *(a) CLARIFICATION OF RESPONSIBILITIES.—Sub-*
 15 *section (c)(3)(A) of section 1034 of title 10, United States*
 16 *Code, is amended by inserting “, in accordance with regula-*
 17 *tions prescribed under subsection (h),” after “shall expedi-*
 18 *tiously determine”.*

19 *(b) REDEFINITION OF INSPECTOR GENERAL.—Sub-*
 20 *section (i)(2) of such section is amended—*

21 *(1) by inserting “any of” in the matter pre-*
 22 *ceding subparagraph (A) after “means”;*

23 *(2) by striking subparagraphs (C), (D), (E), (F)*
 24 *and (G); and*

1 (3) by inserting after subparagraph (B) the fol-
2 lowing new subparagraph (C):

3 “(C) Any officer of the armed forces or employee
4 of the Department of Defense who is assigned or de-
5 tailed to serve as an Inspector General at any level
6 in the Department of Defense.”.

7 **SEC. 904. REPORT ON NUMBER OF PERSONNEL ASSIGNED**
8 **TO LEGISLATIVE LIAISON FUNCTIONS.**

9 (a) *REPORT.*—Not later than December 1, 2000, the
10 Secretary of Defense shall submit to the Committee on
11 Armed Services of the Senate and the Committee on Armed
12 Services of the House of Representatives a report setting
13 forth the number of personnel of the Department of Defense
14 performing legislative liaison functions as of April 1, 2000.

15 (b) *MATTERS TO BE INCLUDED.*—The report shall in-
16 clude the following:

17 (1) *The number of military and civilian per-*
18 *sonnel of the Department of Defense assigned to full-*
19 *time legislative liaison functions, shown by organiza-*
20 *tional entity and by pay grade.*

21 (2) *The number of military and civilian per-*
22 *sonnel of the Department not covered by paragraph*
23 (1) *(other than personnel described in subsection (d))*
24 *who perform legislative liaison functions as part of*

1 *their assigned duties, shown by organizational entity*
2 *and by pay grade.*

3 (c) *LEGISLATIVE LIAISON FUNCTIONS.*—*For purposes*
4 *of this section, a legislative liaison function is a function*
5 *(regardless of how characterized within the Department of*
6 *Defense) that has been established or designated to prin-*
7 *cipally provide advice, information, and assistance to the*
8 *legislative branch on Department of Defense policies, plans,*
9 *and programs.*

10 (d) *ORGANIZATIONAL ENTITIES.*—*The display of in-*
11 *formation under subsection (b) by organizational entity*
12 *shall be for the Department of Defense and for each military*
13 *department as a whole and separately for each organization*
14 *at the level of major command or Defense Agency or higher.*

15 (e) *PERSONNEL NOT COVERED.*—*Subsection (b)(2)*
16 *does not apply to civilian officers appointed by the Presi-*
17 *dent, by and with the advice and consent of the Senate,*
18 *or to general or flag officers.*

19 **SEC. 905. JOINT REPORT ON ESTABLISHMENT OF NA-**
20 **TIONAL COLLABORATIVE INFORMATION**
21 **ANALYSIS CAPABILITY.**

22 (a) *REPORT.*—*The Secretary of Defense and the Direc-*
23 *tor of Central Intelligence shall submit to the congressional*
24 *defense committees and the congressional intelligence com-*
25 *mittees a joint report assessing alternatives for the estab-*

1 *lishment of a national collaborative information analysis*
2 *capability. The report shall include the following:*

3 (1) *An assessment of alternative architectures to*
4 *establish a national collaborative information anal-*
5 *ysis capability to conduct data mining and profiling*
6 *of information from a wide array of electronic data*
7 *sources.*

8 (2) *Identification, from among the various archi-*
9 *tectures assessed under paragraph (1), of the preferred*
10 *architecture and a detailed description of that archi-*
11 *tecture and of a program to acquire and implement*
12 *the capability that would be provided through that*
13 *architecture.*

14 (b) *COMPLETION AND USE OF ARMY LAND INFORMA-*
15 *TION WARFARE ACTIVITY.—The Secretary of Defense—*

16 (1) *shall ensure that the data mining, profiling,*
17 *and analysis capability of the Army's Land Informa-*
18 *tion Warfare Activity is completed and is fully oper-*
19 *ational as soon as possible; and*

20 (2) *shall make maximum use of that capability*
21 *to provide intelligence support to the Department of*
22 *Defense, the military services, the Intelligence Com-*
23 *munity, and other agencies of the Government until*
24 *a national collaborative information analysis capa-*
25 *bility is operational.*

1 *missions and activities, other emergency missions and ac-*
2 *tivities, and nonemergency missions and activities. Mis-*
3 *sions and activities carried out under this section shall be*
4 *consistent with the purposes of the Civil Air Patrol.*

5 “(b) *USE OF FEDERALLY PROVIDED RESOURCES.—(1)*
6 *To perform any mission or activity authorized under sub-*
7 *section (a), the Civil Air Patrol may use any equipment,*
8 *supplies, and other resources provided to it by the Air Force*
9 *or by any other department or agency of the Federal Gov-*
10 *ernment or acquired by or for the Civil Air Patrol with*
11 *appropriated funds, without regard to whether the Civil Air*
12 *Patrol has reimbursed the Federal Government source for*
13 *the equipment, supplies, other resources, or funds, as the*
14 *case may be.*

15 “(2) *The use of equipment, supplies, or other resources*
16 *under paragraph (1) is subject to—*

17 “(A) *the terms and conditions of the applicable*
18 *agreement entered into under chapter 63 of title 31;*
19 *and*

20 “(B) *the laws and regulations that govern the*
21 *use by nonprofit corporations of federally provided*
22 *assets or of assets purchased with appropriated funds,*
23 *as the case may be.*

24 “(c) *AUTHORITY NOT CONTINGENT ON REIMBURSE-*
25 *MENT.—The authority for the Civil Air Patrol to provide*

1 assistance under subsections (a) and (b) is not contingent
2 on the Civil Air Patrol being reimbursed for the cost of pro-
3 viding the assistance. If the Civil Air Patrol requires reim-
4 bursement for the provision of assistance under such sub-
5 sections, the Civil Air Patrol may establish the reimburse-
6 ment rate at a rate less than the rates charged by private
7 sector sources for equivalent services.

8 “(d) *LIABILITY INSURANCE.*—The Secretary of the Air
9 Force may provide the Civil Air Patrol with funds for pay-
10 ing the cost of liability insurance for missions and activities
11 carried out under this section.

12 **“§9444. Activities performed as auxiliary of the Air**
13 **Force**

14 “(a) *AIR FORCE SUPPORT FOR ACTIVITIES.*—The Sec-
15 retary of the Air Force may furnish to the Civil Air Patrol
16 in accordance with this section any equipment, supplies,
17 and other resources that the Secretary determines necessary
18 to enable the Civil Air Patrol to fulfill the missions assigned
19 by the Secretary to the Civil Air Patrol as an auxiliary
20 of the Air Force.

21 “(b) *FORMS OF AIR FORCE SUPPORT.*—The Secretary
22 of the Air Force may, under subsection (a)—

23 “(1) give, lend, or sell to the Civil Air Patrol
24 without regard to the Federal Property and Adminis-
25 trative Services Act of 1949 (40 U.S.C. 471 et seq.)—

1 “(A) major items of equipment (including
2 aircraft, motor vehicles, computers, and commu-
3 nications equipment) that are excess to the mili-
4 tary departments; and

5 “(B) necessary related supplies and train-
6 ing aids that are excess to the military depart-
7 ments;

8 “(2) permit the use, with or without charge, of
9 services and facilities of the Air Force;

10 “(3) furnish supplies (including fuel, lubricants,
11 and other items required for vehicle and aircraft oper-
12 ations) or provide funds for the acquisition of sup-
13 plies;

14 “(4) establish, maintain, and supply liaison offi-
15 cers of the Air Force at the national, regional, State,
16 and territorial headquarters of the Civil Air Patrol;

17 “(5) detail or assign any member of the Air
18 Force or any officer, employee, or contractor of the
19 Department of the Air Force to any liaison office at
20 the national, regional, State, or territorial head-
21 quarters of the Civil Air Patrol;

22 “(6) detail any member of the Air Force or any
23 officer, employee, or contractor of the Department of
24 the Air Force to any unit or installation of the Civil

1 *Air Patrol to assist in the training programs of the*
2 *Civil Air Patrol;*

3 “(7) authorize the payment of travel expenses
4 and allowances, at rates not to exceed those paid to
5 employees of the United States under subchapter I of
6 chapter 57 of title 5, to members of the Civil Air Pa-
7 trol while the members are carrying out programs or
8 missions specifically assigned by the Air Force;

9 “(8) provide funds for the national headquarters
10 of the Civil Air Patrol, including—

11 “(A) funds for the payment of staff com-
12 pensation and benefits, administrative expenses,
13 travel, per diem and allowances, rent, utilities,
14 other operational expenses of the national head-
15 quarters; and

16 “(B) to the extent considered necessary by
17 the Secretary of the Air Force to fulfill Air Force
18 requirements, funds for the payment of com-
19 pensation and benefits for key staff at regional,
20 State, or territorial headquarters;

21 “(9) authorize the payment of expenses of plac-
22 ing into serviceable condition, improving, and main-
23 taining equipment (including aircraft, motor vehicles,
24 computers, and communications equipment) owned or
25 leased by the Civil Air Patrol;

1 “(10) provide funds for the lease or purchase of
2 items of equipment that the Secretary determines nec-
3 essary for the Civil Air Patrol;

4 “(11) support the Civil Air Patrol cadet pro-
5 gram by furnishing—

6 “(A) articles of the Air Force uniform to ca-
7 dets without cost; and

8 “(B) any other support that the Secretary
9 of the Air Force determines is consistent with
10 Air Force missions and objectives; and

11 “(12) provide support, including appropriated
12 funds, for the Civil Air Patrol aerospace education
13 program to the extent that the Secretary of the Air
14 Force determines appropriate for furthering the ful-
15 fillment of Air Force missions and objectives.

16 “(c) ASSISTANCE BY OTHER AGENCIES.—(1) The Sec-
17 retary of the Air Force may arrange for the use by the Civil
18 Air Patrol of such facilities and services under the jurisdic-
19 tion of the Secretary of the Army, the Secretary of the Navy,
20 or the head of any other department or agency of the United
21 States as the Secretary of the Air Force considers to be need-
22 ed by the Civil Air Patrol to carry out its mission.

23 “(2) An arrangement for use of facilities or services
24 of a military department or other department or agency
25 under this subsection shall be subject to the agreement of

1 *the Secretary of the military department or head of the*
2 *other department or agency, as the case may be.*

3 “(3) *Each arrangement under this subsection shall be*
4 *made in accordance with regulations prescribed under sec-*
5 *tion 9448 of this title.*

6 **“§ 9445. Funds appropriated for the Civil Air Patrol**

7 “*Funds appropriated for the Civil Air Patrol shall be*
8 *available only for the exclusive use of the Civil Air Patrol.*

9 **“§ 9446. Miscellaneous personnel authorities**

10 “(a) *USE OF RETIRED AIR FORCE PERSONNEL.—(1)*
11 *Upon the request of a person retired from service in the*
12 *Air Force, the Secretary of the Air Force may enter into*
13 *a personal services contract with that person providing for*
14 *the person to serve as an administrator or liaison officer*
15 *for the Civil Air Patrol. The qualifications of a person to*
16 *provide the services shall be determined and approved in*
17 *accordance with regulations prescribed under section 9448*
18 *of this title.*

19 “(2) *To the extent provided in a contract under para-*
20 *graph (1), a person providing services under the contract*
21 *may accept services on behalf of the Air Force and commit*
22 *and obligate appropriated funds as necessary to perform*
23 *the services.*

24 “(3) *A person, while providing services under a con-*
25 *tract authorized under paragraph (1), may receive the per-*

1 son's retired pay and an additional amount for such serv-
2 ices that is not less than the amount equal to the excess
3 of—

4 “(A) the pay and allowances that the person
5 would be entitled to receive if ordered to active duty
6 in the grade in which the person retired from service
7 in the Air Force, over

8 “(B) the amount of the person's retired pay.

9 “(4) A person, while providing services under a con-
10 tract authorized under paragraph (1), may not be consid-
11 ered to be on active duty or inactive-duty training for any
12 purpose.

13 “(b) *USE OF CIVIL AIR PATROL CHAPLAINS.*—The
14 Secretary of the Air Force may use the services of Civil Air
15 Patrol chaplains in support of the Air Force active duty
16 and reserve component forces to the extent and under condi-
17 tions that the Secretary determines appropriate.

18 **“§ 9447. Board of Governors**

19 “(a) *GOVERNING BODY.*—The Board of Governors of
20 the Civil Air Patrol is the governing body of the Civil Air
21 Patrol.

22 “(b) *COMPOSITION.*—The Board of Governors is com-
23 posed of 11 members as follows:

24 “(1) Four members appointed by the Secretary
25 of the Air Force, who may be active or retired officers

1 *of the Air Force (including reserve components of the*
2 *Air Force), employees of the United States, or private*
3 *citizens.*

4 “(2) *Four members of the Civil Air Patrol, elect-*
5 *ed from among the members of the Civil Air Patrol*
6 *in the manner provided in regulations prescribed*
7 *under section 9448 of this title.*

8 “(3) *Three members appointed or selected as pro-*
9 *vided in subsection (c) from among personnel of any*
10 *Federal Government agencies, public corporations,*
11 *nonprofit associations, and other organizations that*
12 *have an interest and expertise in civil aviation and*
13 *the Civil Air Patrol mission.*

14 “(c) *APPOINTMENTS FROM INTERESTED ORGANIZA-*
15 *TIONS.—(1) Subject to paragraph (2), the members of the*
16 *Board of Governors referred to in subsection (b)(3) shall*
17 *be appointed jointly by the Secretary of the Air Force and*
18 *the National Commander of the Civil Air Patrol.*

19 “(2) *Any vacancy in the position of a member referred*
20 *to in paragraph (1) that is not filled under that paragraph*
21 *within 90 days shall be filled by majority vote of the other*
22 *members of the Board.*

23 “(d) *CHAIRPERSON.—(1) The Chairperson of the*
24 *Board of Governors shall be chosen by the members of the*
25 *Board of Governors from among the members of the Board*

1 *eligible for selection under paragraph (2) and shall serve*
2 *for a term of two years.*

3 “(2) *The position of Chairperson shall be held on a*
4 *rotating basis, first by a member of the Board selected from*
5 *among those appointed by the Secretary of the Air Force*
6 *under paragraph (1) of subsection (b) and then by a mem-*
7 *ber of the Board selected from among the members elected*
8 *by the Civil Air Patrol under paragraph (2) of that sub-*
9 *section. Upon the expiration of the term of a Chairperson*
10 *selected from among the members referred to in one of those*
11 *paragraphs, the selection of a successor to that position shall*
12 *be made from among the members who are referred to in*
13 *the other paragraph.*

14 “(e) *POWERS.—(1) The Board of Governors shall, sub-*
15 *ject to paragraphs (2) and (3), exercise the powers granted*
16 *under section 40304 of title 36.*

17 “(2) *Any exercise by the Board of the power to amend*
18 *the constitution or bylaws of the Civil Air Patrol or to*
19 *adopt a new constitution or bylaws shall be subject to ap-*
20 *proval by a majority of the members of the Board.*

21 “(3) *Neither the Board of Governors nor any other*
22 *component of the Civil Air Patrol may modify or terminate*
23 *any requirement or authority set forth in this section.*

24 “(f) *PERSONAL LIABILITY FOR BREACH OF A FIDU-*
25 *CIARY DUTY.—(1) The Board of Governors shall, subject to*

1 paragraph (2), take such action as is necessary to eliminate
2 or limit the personal liability of a member of the Board
3 of Governors to the Civil Air Patrol or to any of its mem-
4 bers for monetary damages for a breach of fiduciary duty
5 while serving as a member of the Board.

6 “(2) The Board may not eliminate or limit the liabil-
7 ity of a member of the Board of Governors to the Civil Air
8 Patrol or to any of its members for monetary damages for
9 any of the following:

10 “(A) A breach of the member’s duty of loyalty to
11 the Civil Air Patrol or its members.

12 “(B) Any act or omission that is not in good
13 faith or that involves intentional misconduct or a
14 knowing violation of law.

15 “(C) Participation in any transaction from
16 which the member directly or indirectly derives an
17 improper personal benefit.

18 “(3) Nothing in this subsection shall be construed as
19 rendering section 207 or 208 of title 18 inapplicable in any
20 respect to a member of the Board of Governors who is a
21 member of the Air Force on active duty, an officer on a
22 retired list of the Air Force, or an employee of the United
23 States.

24 “(g) PERSONAL LIABILITY FOR BREACH OF A FIDU-
25 CIARY DUTY.—(1) Except as provided in paragraph (2),

1 *no member of the Board of Governors or officer of the Civil*
2 *Air Patrol shall be personally liable for damages for any*
3 *injury or death or loss or damage of property resulting from*
4 *a tortious act or omission of an employee or member of the*
5 *Civil Air Patrol.*

6 “(2) Paragraph (1) does not apply to a member of the
7 Board of Governors or officer of the Civil Air Patrol for
8 a tortious act or omission in which the member or officer,
9 as the case may be, was personally involved, whether in
10 breach of a civil duty or in commission of a criminal of-
11 fense.

12 “(3) Nothing in this subsection shall be construed to
13 restrict the applicability of common law protections and
14 rights that a member of the Board of Governors or officer
15 of the Civil Air Patrol may have.

16 “(4) The protections provided under this subsection are
17 in addition to the protections provided under subsection (f).

18 **“§9448. Regulations**

19 “(a) *AUTHORITY.*—The Secretary of the Air Force
20 shall prescribe regulations for the administration of this
21 chapter.

22 “(b) *REQUIRED REGULATIONS.*—The regulations shall
23 include the following:

24 “(1) Regulations governing the conduct of the ac-
25 tivities of the Civil Air Patrol when it is performing

1 *its duties as a volunteer civilian auxiliary of the Air*
2 *Force under section 9442 of this title.*

3 *“(2) Regulations for providing support by the*
4 *Air Force and for arranging assistance by other agen-*
5 *cies under section 9444 of this title.*

6 *“(3) Regulations governing the qualifications of*
7 *retired Air Force personnel to serve as an adminis-*
8 *trator or liaison officer for the Civil Air Patrol under*
9 *a personal services contract entered into under section*
10 *9446(a) of this title.*

11 *“(4) Procedures and requirements for the election*
12 *of members of the Board of Governors under section*
13 *9447(b)(2) of this title.*

14 *“(c) APPROVAL BY SECRETARY OF DEFENSE.—The*
15 *regulations required by subsection (b)(2) shall be subject to*
16 *the approval of the Secretary of Defense.”.*

17 *(b) CONFORMING AMENDMENTS.—(1) Section 40302 of*
18 *title 36, United States Code, is amended—*

19 *(A) by striking “to—” in the matter preceding*
20 *paragraph (1) and inserting “as follows:”;*

21 *(B) by inserting “To” after the paragraph des-*
22 *ignation in each of paragraphs (1), (2), (3), and (4);*

23 *(C) by striking the semicolon at the end of para-*
24 *graphs (1)(B) and (2) and inserting a period;*

1 (D) by striking “; and” at the end of paragraph
2 (3) and inserting a period; and

3 (E) by adding at the end the following:

4 “(5) To assist the Department of the Air Force
5 in fulfilling its noncombat programs and missions.”.

6 (2)(A) Section 40303 of such title is amended—

7 (i) by inserting “(a) MEMBERSHIP.—” before
8 “Eligibility”; and

9 (ii) by adding at the end the following:

10 “(b) GOVERNING BODY.—The Civil Air Patrol has a
11 Board of Governors. The composition and responsibilities
12 of the Board of Governors are set forth in section 9447 of
13 title 10.”.

14 (B) The heading for such section is amended to read
15 as follows:

16 “**§40303. Membership and governing body**”.

17 (C) The item relating to such section in the table of
18 sections at the beginning of chapter 403 of title 36, United
19 States Code, is amended to read as follows:

 “40303. Membership and governing body.”.

20 (c) EFFECTIVE DATE.—This section and the amend-
21 ments made by this section shall take effect on the date of
22 the enactment of this Act.

23 **SEC. 907. REPORT ON NETWORK CENTRIC WARFARE.**

24 (a) REPORT REQUIRED.—Not later than October 1,
25 2001, the Secretary of Defense shall submit to the congres-

1 sional defense committees a report describing the Depart-
2 ment's views on Network Centric Warfare (NCW) and the
3 role of Network Centric Warfare in the strategy of the De-
4 partment of Defense for military transformation. The Sec-
5 retary of Defense shall prepare the report in consultation
6 with the Chairman of the Joint Chiefs of Staff.

7 (b) *CONTENT OF REPORT.*—The report shall include
8 the following:

9 (1) *A definition of Network Centric Warfare.*

10 (2) *A discussion of the theory, nature, and prin-*
11 *ciples of Network Centric Warfare and how they re-*
12 *late to the revolution in military affairs.*

13 (3) *A discussion of the conceptual, doctrinal, and*
14 *operational concepts related to Network Centric War-*
15 *fare.*

16 (4) *A discussion of how the concept of Network*
17 *Centric Warfare is related to the strategy of the De-*
18 *partment of Defense for military transformation as*
19 *outlined in the document entitled "Joint Vision 2010"*
20 *and other key strategy documents.*

21 (5) *The current and planned acquisition pro-*
22 *grams of the Department of Defense that relate to*
23 *Network Centric Warfare and the extent to which*
24 *those programs are interoperable with each other.*

1 “(A) professional military education;

2 “(B) leadership development;

3 “(C) counter-drug operations;

4 “(D) peace support operations; and

5 “(E) disaster relief.

6 “(c) CURRICULUM.—The education and training pro-
7 grams provided by the Institute shall include (for each per-
8 son attending the Institute under subsection (b)) instruction
9 totaling not less than eight hours relating to each of the
10 following subjects:

11 “(1) Human rights.

12 “(2) The rule of law.

13 “(3) Due process.

14 “(4) Civilian control of the military.

15 “(5) The role of the military in a democratic so-
16 ciety.

17 “(d) BOARD OF VISITORS.—(1) There is a Board of
18 Visitors for the Institute. The Board shall be composed of
19 members appointed by the Secretary of Defense (or the Sec-
20 retary of the Army as the Secretary’s designee). In selecting
21 members of the Board, the Secretary shall consider rec-
22 ommendations by—

23 “(A) the Speaker and the minority leader of the
24 House of Representatives;

1 “(B) the majority leader and the minority leader
2 of the Senate;

3 “(C) the Secretary of State;

4 “(D) the commander of the unified command
5 with geographic responsibility for Latin America;
6 and

7 “(E) representatives from academic institutions,
8 religious institutions, and human rights organiza-
9 tions.

10 “(2) Members shall serve for two years and shall meet
11 at least annually.

12 “(3)(A) The Board shall inquire into—

13 “(i) the curriculum, instruction, physical equip-
14 ment, fiscal affairs, academic methods, and other
15 matters relating to the Institute that the Board de-
16 cides to consider; and

17 “(ii) any other matters relating to the Institute
18 that the Secretary considers appropriate.

19 “(B) The Board shall review the curriculum of the In-
20 stitute to ensure that the curriculum—

21 “(i) complies with applicable United States law
22 and regulations;

23 “(ii) is consistent with United States policy
24 goals toward Latin America and the Caribbean; and

25 “(iii) adheres to current United States doctrine.

1 “(4)(A) Not later than 60 days after its annual meet-
2 ing, the Board shall submit to the Secretary a written re-
3 port of its action and of its views and recommendations
4 pertaining to the Institute.

5 “(B) Within 30 days of receipt of the Board’s report
6 for any year, the Secretary shall transmit the report, with
7 the Secretary’s comments, to Congress.

8 “(5) While performing duties as a member of or ad-
9 viser to the Board, each member of the Board and each ad-
10 viser shall be reimbursed for travel expenses under Govern-
11 ment travel regulations. Board members shall not be com-
12 pensated by reason of service on the Board.

13 “(e) SOURCE OF FUNDS.—The fixed costs of operating
14 and maintaining the Institute may be paid from funds
15 available for operation and maintenance.

16 “(f) TUITION.—Tuition fees charged for persons who
17 attend the Institute may not include the fixed costs of oper-
18 ating and maintaining the Institute.”.

19 (2) The table of sections at the beginning of such chap-
20 ter is amended by adding at the end the following new item:

“2166. Defense Institute for Hemispheric Security Cooperation.”.

21 (b) TRANSITION FROM UNITED STATES ARMY SCHOOL
22 OF THE AMERICAS.—(1) The Secretary of Defense shall take
23 such steps as necessary to ensure that the Secretary of the
24 Army provides for the transition of the United States Army
25 School of the Americas located at Fort Benning, Georgia,

1 *into the Defense Institute for Hemispheric Security Co-*
2 *operation established pursuant to section 2166 of title 10,*
3 *United States Code, as added by subsection (a).*

4 (2)(A) *Section 4415 of title 10, United States Code,*
5 *is repealed.*

6 (B) *The table of sections at the beginning of chapter*
7 *407 of such title is amended by striking the item relating*
8 *to section 4415.*

9 **SEC. 909. DEPARTMENT OF DEFENSE REGIONAL CENTERS**
10 **FOR SECURITY STUDIES.**

11 (a) *IN GENERAL.*—Chapter 7 of title 10, United States
12 Code, is amended by adding at the end the following new
13 section:

14 **“§ 184. Regional Centers for Security Studies**

15 “(a) *IN GENERAL.*—(1) *Subject to paragraph (2), the*
16 *Secretary of Defense may operate in the Department of De-*
17 *fense regional centers for security studies, each of which is*
18 *established for a specified geographic region of the world.*
19 *Any such regional center shall serve as a forum for bilateral*
20 *and multilateral communication and military and civilian*
21 *exchanges with nations in the region for which the center*
22 *is established. A regional center may, as the Secretary con-*
23 *siders appropriate, use professional military education, ci-*
24 *vilian defense education, and related academic and other*
25 *activities to pursue such communication and exchanges.*

1 “(2) *After the date of the enactment of this section,*
2 *a regional center for security studies as described in para-*
3 *graph (1) may not be established in the Department of De-*
4 *fense until at least 90 days after the date on which the Sec-*
5 *retary of Defense submits to Congress a notification of the*
6 *intent of the Secretary to establish the center. The notifica-*
7 *tion shall contain a description of the mission and func-*
8 *tions of the proposed center and a justification for the pro-*
9 *posed center.*

10 “(b) *EMPLOYMENT AND COMPENSATION OF FAC-*
11 *ULTY.—Section 1595 of this title provides authority for the*
12 *Secretary of Defense to employ certain civilian personnel*
13 *at certain Department of Defense regional center for secu-*
14 *rity studies without regard to certain provisions of title 5.*

15 “(c) *ACCEPTANCE OF FOREIGN GIFTS AND DONA-*
16 *TIONS.—Section 2611 of this title provides authority for the*
17 *Secretary of Defense to accept foreign gifts and donations*
18 *in order to defray the costs of, or enhance the operations*
19 *of, certain Department of Defense regional centers for secu-*
20 *rity studies.*

21 “(d) *ANNUAL REPORT TO CONGRESSIONAL COMMIT-*
22 *TEES.—The Secretary shall submit to the Committee on*
23 *Armed Services of the Senate and the Committee on Armed*
24 *Services of the House of Representatives an annual report*
25 *on the status, objectives, and operations of the Department*

1 of Defense regional centers for security studies. Each such
2 report shall include information on international partici-
3 pation in the programs of the centers and on foreign gifts
4 and donations accepted under section 2611 of this title.

5 “(e) PROVISIONS RELATING SPECIFICALLY TO MAR-
6 SHALL CENTER.—(1) The Secretary of Defense may waive
7 reimbursement of the costs of conferences, seminars, courses
8 of instruction, or similar educational activities of the
9 George C. Marshall European Center for Security Studies
10 for military officers and civilian officials of cooperation
11 partner states of the North Atlantic Cooperation Council
12 or the Partnership for Peace if the Secretary determines
13 that attendance by such personnel without reimbursement
14 is in the national security interest of the United States.
15 Costs for which reimbursement is waived pursuant to this
16 paragraph shall be paid from appropriations available for
17 the Center.

18 “(2)(A) Notwithstanding any other provision of law,
19 the Secretary of Defense may authorize participation by a
20 European or Eurasian nation in Marshall Center programs
21 if the Secretary determines, after consultation with the Sec-
22 retary of State, that such participation is in the national
23 interest of the United States.

24 “(B) Not later than January 31 of each year, the Sec-
25 retary shall submit to Congress a report setting forth the

1 *names of the foreign nations permitted to participate in*
2 *programs of the Marshall Center during the preceding year*
3 *under paragraph (1). Each such report shall be prepared*
4 *by the Secretary with the assistance of the Director of the*
5 *Marshall Center.”.*

6 **(b) ACCEPTANCE OF FOREIGN GIFTS AND DONA-**
7 **TIONS.—***(1) Subsection (a) of section 2611 of such title is*
8 *amended to read as follows:*

9 **“(a) AUTHORITY TO ACCEPT FOREIGN GIFTS AND DO-**
10 **NATIONS.—***(1) Subject to subsection (b), the Secretary of*
11 *Defense may accept foreign gifts or donations in order to*
12 *defray the costs of, or enhance the operation of, one of the*
13 *specified defense regional centers for security studies.*

14 **“(2) For purposes of this section, a specified defense**
15 **regional center for security studies is any of the following:**

16 **“(A) The Asia-Pacific Center for Security Stud-**
17 **ies.**

18 **“(B) The George C. Marshall European Center**
19 **for Security Studies.”.**

20 **(2) Subsection (d) of such section is amended—**

21 **(A) in the first sentence, by striking “the Asia-**
22 **Pacific Center” and inserting “the regional center in-**
23 **tended to benefit from the gift or donation of such**
24 **funds”; and**

1 (B) *in the second sentence, by striking “the Asia-*
2 *Pacific Center” and inserting “such regional center”.*

3 (3) *Subsection (e) of such section is amended by insert-*
4 *ing “with respect to a defense regional center for security*
5 *studies” after “in any fiscal year”.*

6 (c) *REPEAL OF CODIFIED PROVISIONS RELATING TO*
7 *THE MARSHALL CENTER.—(1) Section 1306 of the National*
8 *Defense Authorization Act for Fiscal Year 1995 (Public*
9 *Law 103–337; 108 Stat. 2892) is repealed.*

10 (2) *Section 1065 of the National Defense Authorization*
11 *Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat.*
12 *2653) is amended—*

13 (A) *by striking subsections (a) and (b) and in-*
14 *serting the following:*

15 “(a) *DEFINITION.—In this section, the term ‘Marshall*
16 *Center Board of Visitors’ means the Board of Visitors of*
17 *the George C. Marshall European Center for Security Stud-*
18 *ies”; and*

19 (B) *by redesignating subsection (c) as subsection*
20 (i).

21 (d) *CLERICAL AMENDMENTS.—(1) The table of sections*
22 *at the beginning of chapter 7 of such title is amended by*
23 *adding at the end the following new item:*

 “184. *Regional Centers for Security Studies.*”.

24 (2)(A) *The heading of section 2611 of such title is*
25 *amended to read as follows:*

1 **“§2611. Regional centers for security studies: accept-**
 2 **ance of foreign gifts and donations”.**

3 (B) *The item relating to section 2611 in the table of*
 4 *sections at the beginning of chapter 155 of such title is*
 5 *amended to read as follows: .*

“2611. Regional centers for security studies: acceptance of foreign gifts and dona-
tions.”.

6 **SEC. 910. CHANGE IN NAME OF ARMED FORCES STAFF COL-**
 7 **LEGE TO JOINT FORCES STAFF COLLEGE.**

8 (a) *CHANGE IN NAME.—The Armed Forces Staff Col-*
 9 *lege of the Department of Defense is hereby renamed the*
 10 *“Joint Forces Staff College”.*

11 (b) *CONFORMING AMENDMENT.—Section 2165(b)(3) of*
 12 *title 10, United States Code, is amended by striking*
 13 *“Armed Forces Staff College” and inserting “Joint Forces*
 14 *Staff College”.*

15 (c) *REFERENCES.—Any reference to the Armed Forces*
 16 *Staff College in any law, regulation, map, document,*
 17 *record, or other paper of the United States shall be consid-*
 18 *ered to be a reference to the Joint Forces Staff College.*

19 **TITLE X—GENERAL PROVISIONS**
 20 **Subtitle A—Financial Matters**

21 **SEC. 1001. TRANSFER AUTHORITY.**

22 (a) *AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1)*
 23 *Upon determination by the Secretary of Defense that such*
 24 *action is necessary in the national interest, the Secretary*

1 *may transfer amounts of authorizations made available to*
2 *the Department of Defense in this division for fiscal year*
3 *2001 between any such authorizations for that fiscal year*
4 *(or any subdivisions thereof). Amounts of authorizations so*
5 *transferred shall be merged with and be available for the*
6 *same purposes as the authorization to which transferred.*

7 (2) *The total amount of authorizations that the Sec-*
8 *retary may transfer under the authority of this section may*
9 *not exceed \$2,000,000,000.*

10 (b) *LIMITATIONS.—The authority provided by this sec-*
11 *tion to transfer authorizations—*

12 (1) *may only be used to provide authority for*
13 *items that have a higher priority than the items from*
14 *which authority is transferred; and*

15 (2) *may not be used to provide authority for an*
16 *item that has been denied authorization by Congress.*

17 (c) *EFFECT ON AUTHORIZATION AMOUNTS.—A trans-*
18 *fer made from one account to another under the authority*
19 *of this section shall be deemed to increase the amount au-*
20 *thorized for the account to which the amount is transferred*
21 *by an amount equal to the amount transferred.*

22 (d) *NOTICE TO CONGRESS.—The Secretary shall*
23 *promptly notify Congress of each transfer made under sub-*
24 *section (a).*

1 **SEC. 1002. INCORPORATION OF CLASSIFIED ANNEX.**

2 (a) *STATUS OF CLASSIFIED ANNEX.*—*The Classified*
3 *Annex prepared by the Committee on Armed Services of the*
4 *House of Representatives to accompany its report on the*
5 *bill H.R. 4205 of the One Hundred Sixth Congress and*
6 *transmitted to the President is hereby incorporated into this*
7 *Act.*

8 (b) *CONSTRUCTION WITH OTHER PROVISIONS OF*
9 *ACT.*—*The amounts specified in the Classified Annex are*
10 *not in addition to amounts authorized to be appropriated*
11 *by other provisions of this Act.*

12 (c) *LIMITATION ON USE OF FUNDS.*—*Funds appro-*
13 *priated pursuant to an authorization contained in this Act*
14 *that are made available for a program, project, or activity*
15 *referred to in the Classified Annex may only be expended*
16 *for such program, project, or activity in accordance with*
17 *such terms, conditions, limitations, restrictions, and re-*
18 *quirements as are set out for that program, project, or activ-*
19 *ity in the Classified Annex.*

20 (d) *DISTRIBUTION OF CLASSIFIED ANNEX.*—*The*
21 *President shall provide for appropriate distribution of the*
22 *Classified Annex, or of appropriate portions of the annex,*
23 *within the executive branch of the Government.*

1 **SEC. 1003. AUTHORIZATION OF EMERGENCY SUPPLE-**
2 **MENTAL APPROPRIATIONS FOR FISCAL YEAR**
3 **2000.**

4 (a) *ADJUSTMENT OF FISCAL YEAR 2000 AUTHORIZA-*
5 *TIONS TO REFLECT SUPPLEMENTAL APPROPRIATIONS.—*
6 *Subject to subsections (b) and (c), amounts authorized to*
7 *be appropriated to the Department of Defense for fiscal year*
8 *2000 in the National Defense Authorization Act for Fiscal*
9 *Year 2000 (Public Law 106–65) are hereby adjusted, with*
10 *respect to any such authorized amount, by the amount by*
11 *which appropriations pursuant to such authorization were*
12 *increased (by a supplemental appropriation) or decreased*
13 *(by a rescission), or both, in the 2000 Emergency Supple-*
14 *mental Appropriations Act.*

15 (b) *LIMITATION.—(1) In the case of a pending defense*
16 *contingent emergency supplemental appropriation, an ad-*
17 *justment may be made under subsection (a) in the amount*
18 *of an authorization of appropriations by reason of that sup-*
19 *plemental appropriation only if, and to the extent that, the*
20 *President transmits to Congress an official amended budget*
21 *request for that appropriation that designates the entire*
22 *amount requested as an emergency requirement for the spe-*
23 *cific purpose identified in the 2000 Emergency Supple-*
24 *mental Appropriations Act as the purpose for which the*
25 *supplemental appropriation was made.*

1 (2) *For purposes of this subsection, the term “pending*
2 *defense contingent emergency supplemental appropriation”*
3 *means a contingent emergency supplemental appropriation*
4 *for the Department of Defense contained in the 2000 Emer-*
5 *gency Supplemental Appropriations Act for which an offi-*
6 *cial budget request that includes designation of the entire*
7 *amount of the request as an emergency requirement has not*
8 *been transmitted to Congress as of the date of the enactment*
9 *of this Act.*

10 (3) *For purposes of this subsection, the term “contin-*
11 *gent emergency supplemental appropriation” means a sup-*
12 *plemental appropriation that—*

13 (A) *is designated by Congress as an emergency*
14 *requirement pursuant to section 251(b)(2)(A) of the*
15 *Balanced Budget and Emergency Deficit Control Act*
16 *of 1985; and*

17 (B) *by law is available only to the extent that*
18 *the President transmits to the Congress an official*
19 *budget request for that appropriation that includes*
20 *designation of the entire amount of the request as an*
21 *emergency requirement.*

22 (c) *EXCEPTION.—No adjustment may be made under*
23 *subsection (a) by reason of any appropriation under the*
24 *provisions contained in sections 2207 through 2211 of the*

1 *2000 Emergency Supplemental Appropriations Act, as*
2 *passed the House of Representatives on March 30, 2000.*

3 **SEC. 1004. CONTINGENT REPEAL OF CERTAIN PROVISIONS**

4 **SHIFTING CERTAIN OUTLAYS FROM ONE FIS-**

5 **CAL YEAR TO ANOTHER.**

6 *(a) CONTINGENT REPEAL.—Subject to subsection (b)—*

7 *(1) sections 305 and 306 of H.R. 3425 of the*
8 *106th Congress, as enacted into law by section*
9 *1000(a)(5) of Public Law 106–113, are repealed;*

10 *(2) section 1001(a) of Public Law 106–113 is*
11 *amended, effective immediately after the enactment of*
12 *such Public Law, by striking “paragraph 4 of sub-*
13 *section 1000(a)” and inserting “paragraph (5) of sec-*
14 *tion 1000(a), and the provisions of titles V, VI, and*
15 *VII of the legislation enacted in this division by ref-*
16 *erence in such paragraph (5),”; and*

17 *(3) sections 8175 and 8176 of the Department of*
18 *Defense Appropriations Act, 2000 (Public Law 106–*
19 *79), as amended by sections 214 and 215, respec-*
20 *tively, of H.R. 3425 of the 106th Congress (113 Stat.*
21 *1501A–297), as enacted into law by section*
22 *1000(a)(5) of Public Law 106–113, are repealed.*

23 *(b) CONTINGENCY.—The provisions of subsection (a)*
24 *shall be effective only to the extent provided in an appro-*
25 *priations Act that is enacted after this Act.*

1 **SEC. 1005. LIMITATION ON FUNDS FOR BOSNIA AND**
2 **KOSOVO PEACEKEEPING OPERATIONS FOR**
3 **FISCAL YEAR 2001.**

4 (a) *LIMITATION.*—*Of the amounts authorized to be ap-*
5 *propriated by section 301(24) for the Overseas Contingency*
6 *Operations Transfer Fund—*

7 (1) *no more than \$1,387,800,000 may be obli-*
8 *gated for incremental costs of the Armed Forces for*
9 *Bosnia peacekeeping operations; and*

10 (2) *no more than \$1,650,400,000 may be obli-*
11 *gated for incremental costs of the Armed Forces for*
12 *Kosovo peacekeeping operations.*

13 (a) *PRESIDENTIAL WAIVER.*—*The President may*
14 *waive the limitation in subsection (a)(1), or the limitation*
15 *in subsection (a)(2), after submitting to Congress the fol-*
16 *lowing:*

17 (1) *The President's written certification that the*
18 *waiver is necessary in the national security interests*
19 *of the United States.*

20 (2) *The President's written certification that ex-*
21 *ercising the waiver will not adversely affect the readi-*
22 *ness of United States military forces.*

23 (3) *A report setting forth the following:*

24 (A) *The reasons that the waiver is necessary*
25 *in the national security interests of the United*
26 *States.*

1 (B) *The specific reasons that additional*
2 *funding is required for the continued presence of*
3 *United States military forces participating in,*
4 *or supporting, Bosnia peacekeeping operations,*
5 *or Kosovo peacekeeping operations, as the case*
6 *may be, for fiscal year 2001.*

7 (C) *A discussion of the impact on the mili-*
8 *tary readiness of United States Armed Forces of*
9 *the continuing deployment of United States mili-*
10 *tary forces participating in, or supporting, Bos-*
11 *nia peacekeeping operations, or Kosovo peace-*
12 *keeping operations, as the case may be.*

13 (4) *A supplemental appropriations request for*
14 *the Department of Defense for such amounts as are*
15 *necessary for the additional fiscal year 2001 costs as-*
16 *sociated with United States military forces partici-*
17 *pating in, or supporting, Bosnia or Kosovo peace-*
18 *keeping operations peacekeeping operations.*

19 (c) *PEACEKEEPING OPERATIONS DEFINED.—For the*
20 *purposes of this section:*

21 (1) *The term “Bosnia peacekeeping operations”*
22 *has the meaning given such term in section 1004(e)*
23 *of the Strom Thurmond National Defense Authoriza-*
24 *tion Act for Fiscal Year 1999 (Public Law 105–261;*
25 *112 Stat. 2112).*

1 (2) The term “Kosovo peacekeeping
2 operations”—

3 (A) means the operation designated as Op-
4 eration Joint Guardian and any other operation
5 involving the participation of any of the Armed
6 Forces in peacekeeping or peace enforcement ac-
7 tivities in and around Kosovo; and

8 (B) includes, with respect to Operation
9 Joint Guardian or any such other operation,
10 each activity that is directly related to the sup-
11 port of the operation.

12 **Subtitle B—Naval Vessels and**
13 **Shipyards**

14 **SEC. 1011. NATIONAL DEFENSE FEATURES PROGRAM.**

15 Section 2218(k) of title 10, United States Code, is
16 amended—

17 (1) in paragraph (1), by adding at the end the
18 following new sentence: “As consideration for a con-
19 tract with the Secretary of Defense or the Secretary
20 of a military department under this subsection, the
21 company entering into the contract shall agree with
22 the Secretary to make any vessel covered by the con-
23 tract available to the Secretary, fully crewed and
24 ready for sea, at any time at any port determined by

1 *the Secretary, and for whatever duration the Sec-*
2 *retary determines necessary.”; and*

3 *(2) by adding at the end of paragraph (2) the*
4 *following new subparagraph:*

5 *“(E) Payments of such sums as the Government*
6 *would otherwise expend, if the vessel were placed in*
7 *the Ready Reserve Fleet, for maintaining the vessel in*
8 *the status designated as ‘ROS-4 status’ in the Ready*
9 *Reserve Fleet for 25 years.”.*

10 ***Subtitle C—Counter-Drug Activities***

11 ***SEC. 1021. REPORT ON DEPARTMENT OF DEFENSE EXPEND-*** 12 ***ITURES TO SUPPORT FOREIGN COUNTER-*** 13 ***DRUG ACTIVITIES.***

14 *Not later than January 1, 2001, the Secretary of De-*
15 *fense shall submit to the congressional defense committees*
16 *a report detailing the expenditure of funds by the Secretary*
17 *during fiscal year 2000 in direct or indirect support of the*
18 *counter-drug activities of foreign governments. The report*
19 *shall include the following for each foreign government:*

20 *(1) The total amount of assistance provided to,*
21 *or expended on behalf of, the foreign government.*

22 *(2) A description of the types of counter-drug ac-*
23 *tivities conducted using the assistance.*

24 *(3) An explanation of the legal authority under*
25 *which the assistance was provided.*

1 **SEC. 1022. REPORT ON TETHERED AEROSTAT RADAR SYS-**
2 **TEM.**

3 (a) *REPORT REQUIRED.*—Not later than May 1, 2001,
4 *The Secretary of Defense shall submit to Congress a report*
5 *on the status of the Tethered Aerostat Radar System used*
6 *to conduct counter-drug detection and monitoring and bor-*
7 *der security and air sovereignty operations. The report shall*
8 *include the following:*

9 (1) *The status and operational availability of*
10 *each of the existing sites of the Tethered Aerostat*
11 *Radar System.*

12 (2) *A discussion of any plans to close, during the*
13 *next 5 years, currently operational sites, including a*
14 *review of the justification for each proposed closure.*

15 (3) *A review of the requirements of other agen-*
16 *cies, especially the United States Customs Service, for*
17 *data derived from the Tethered Aerostat Radar Sys-*
18 *tem.*

19 (4) *An assessment of the value of the Tethered*
20 *Aerostat Radar System in the conduct of counter-drug*
21 *detection and monitoring and border security and air*
22 *sovereignty operations.*

23 (5) *The costs associated with the planned stand-*
24 *ardization of the Tethered Aerostat Radar System*
25 *and the Secretary's analysis of that standardization.*

1 (b) *CONSULTATION.*—*The Secretary of Defense shall*
 2 *prepare the report in consultation with the Commissioner*
 3 *of Customs.*

4 ***Subtitle D—Other Matters***

5 ***SEC. 1031. FUNDS FOR ADMINISTRATIVE EXPENSES UNDER***
 6 ***DEFENSE EXPORT LOAN GUARANTEE PRO-***
 7 ***GRAM.***

8 (a) *AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS ON AN INTERIM BASIS.*—*Section 2540c(d)*
 9 *of title 10, United States Code, is amended—*

11 (1) *by inserting “(1)” after “FEES.—”; and*

12 (2) *by adding at the end the following new para-*
 13 *graph:*

14 “(2)(A) *If for any fiscal year amounts in the special*
 15 *account established under paragraph (1) are not available*
 16 *(or are not anticipated to be available) in a sufficient*
 17 *amount for administrative expenses of the Department of*
 18 *Defense for that fiscal year that are directly attributable*
 19 *to the administration of the program under this subchapter,*
 20 *the Secretary may use amounts currently available for op-*
 21 *erations and maintenance for Defense-wide activities, not*
 22 *to exceed \$500,000 in any fiscal year, for those expenses.*

23 “(B) *The Secretary shall, from funds in the special ac-*
 24 *count established under paragraph (1), replenish operations*
 25 *and maintenance accounts for amounts expended under*

1 *subparagraph (A) as soon as the Secretary determines prac-*
2 *ticable.”.*

3 (b) *EFFECTIVE DATE.*—*Paragraph (2) of section*
4 *2540c(d) of title 10, United States Code, as added by sub-*
5 *section (a), shall take effect on October 1, 2000.*

6 **SEC. 1032. TECHNICAL AND CLERICAL AMENDMENTS.**

7 (a) *TITLE 10, UNITED STATES CODE.*—*Title 10,*
8 *United States Code, is amended as follows:*

9 (1) *Section 628(c)(2) is amended by striking*
10 *“section” in the second sentence after “the provisions*
11 *of” and inserting “sections”.*

12 (2) *Section 702(b)(2) is amended by striking*
13 *“section 230(c)” and inserting “section 203(c)”.*

14 (3) *Section 706(c) is amended—*

15 (A) *by striking “(1)” after “(c)”;* and

16 (B) *by striking paragraph (2).*

17 (4) *Section 1074g is amended—*

18 (A) *in subsection (a)(6), by striking “as*
19 *part of the regulations established” and inserting*
20 *“in the regulations prescribed”;*

21 (B) *in subsection (a)(7), by striking “not*
22 *included on the uniform formulary, but,” and*
23 *inserting “that are not included on the uniform*
24 *formulary but that are”;*

1 (C) in subsection (b)(1), by striking “re-
2 quired by” in the last sentence and inserting
3 “prescribed under”;

4 (D) in subsection (d)(2), by striking “Not
5 later than” and all that follows through “utilize”
6 and inserting “Effective not later than April 5,
7 2000, the Secretary shall use”;

8 (E) in subsection (e)—

9 (i) by striking “Not later than April 1,
10 2000, the” and inserting “The”; and

11 (ii) by inserting “in” before “the
12 TRICARE” and before “the national”;

13 (F) in subsection (f)—

14 (i) by striking “As used in this sec-
15 tion—” and inserting “In this section:”;

16 (ii) by striking “the” at the beginning
17 of paragraphs (1) and (2) and inserting
18 “The”; and

19 (iii) by striking “; and” at the end of
20 paragraph (1) and inserting a period; and

21 (G) in subsection (g), by striking “promul-
22 gate” and inserting “prescribe”.

23 (5) Section 1109(b) is amended by striking “(1)”
24 before “The Secretaries”.

1 (6) *Section 1448(b)(3)(E)(ii) is amended by*
2 *striking the second comma after “October 16, 1998”.*

3 (7) *Section 2401(b)(1)(B) is amended by striking*
4 *“Committees on Appropriations” and inserting*
5 *“Committee on Appropriations”.*

6 (8) *Section 5143(c)(2) is amended by striking*
7 *“has a grade” and inserting “has the grade of”.*

8 (9) *Section 5144(c)(2) is amended by striking*
9 *“has a grade” and inserting “has the grade of”.*

10 (10) *Section 10218 is amended—*

11 (A) *in subsections (a)(1), (b)(1), (b)(2)(A),*
12 *and (b)(2)(B)(ii), by striking “the date of the en-*
13 *actment of this section” each place it appears*
14 *and inserting “October 5, 1999”;*

15 (B) *in subsections (a)(3)(B)(i) and*
16 *(b)(2)(B)(i), by striking “the end of the one-year*
17 *period beginning on the date of the enactment of*
18 *this subsection” and inserting “October 5, 2000”;*

19 (C) *in subsection (b)(1), by striking “six*
20 *months after the date of the enactment of this*
21 *section” and inserting “April 5, 2000”; and*

22 (D) *in subsection (b)(3), by striking “with-*
23 *in six months of the date of the enactment of this*
24 *section” and inserting “during the period begin-*

1 *ning on October 5, 1999, and ending on April 5,*
2 *2000,”.*

3 *(11) Section 12552 is amended by inserting a*
4 *period at the end.*

5 *(b) TITLE 37, UNITED STATES CODE.—Title 37,*
6 *United States Code, is amended as follows:*

7 *(1) Section 301b(j)(2) is amended by striking*
8 *“section 301a(a)(6)(A)” and inserting “section*
9 *301a(a)(6)(B)”.*

10 *(2) Section 404(b)(2) is amended by striking*
11 *“section 402(e)” and inserting “section 403(f)(3)”.*

12 *(3) The table of sections at the beginning of*
13 *chapter 7 is amended by inserting after the item re-*
14 *lating to section 434 the following new item:*

“435. Funeral honors duty: allowance.”.

15 *(4) The section 435 added by section 586(b) of*
16 *the National Defense Authorization Act for Fiscal*
17 *Year 2000 (Public Law 106–65; 113 Stat. 638) is re-*
18 *designated as section 436, and the item relating to*
19 *that section in the table of sections at the beginning*
20 *of chapter 7 is revised to conform to such redesigna-*
21 *tion.*

22 *(5) Section 1012 is amended by striking “section*
23 *402(b)(3)” and inserting “section 402(e)”.*

24 *(c) PUBLIC LAW 106–65.—Effective as of October 5,*
25 *1999, and as if included therein as enacted, section 601(c)*

1 *of the National Defense Authorization Act for Fiscal Year*
2 *2000 (Public Law 106–65; 113 Stat. 645) is amended—*

3 *(1) in the first table, relating to commissioned*
4 *officers, by striking “\$12,441.00” in footnote 2 and*
5 *inserting “\$12,488.70”; and*

6 *(2) in the fourth table, relating to enlisted mem-*
7 *bers, by striking “\$4,701.00” in footnote 2 and insert-*
8 *ing “\$4,719.00”.*

9 *(d) PUBLIC LAW 105–261.—Effective as of October 17,*
10 *1998, and as if included therein as enacted, the Strom*
11 *Thurmond National Defense Authorization Act for Fiscal*
12 *Year 1999 (Public Law 105–261; 112 Stat. 1920 et seq.)*
13 *is amended as follows:*

14 *(1) Section 503(b)(1) (112 Stat. 2003) is amend-*
15 *ed by inserting “its” after “record of” in the first*
16 *quoted matter therein.*

17 *(2) Section 645(b) (112 Stat. 2050) is amended*
18 *by striking “a member” and inserting “member” in*
19 *the quoted matter therein.*

20 *(3) Section 701 (112 Stat. 2056) is amended—*

21 *(A) in subsection (a), by inserting “(1)” be-*
22 *fore “Section 1076a(b)(2)”;* and

23 *(B) in subsection (b), by inserting “of such*
24 *title” after “1076a”.*

1 (4) Section 802(b) (112 Stat. 2081) is amended
2 by striking “Administrative” in the first quoted mat-
3 ter therein and inserting “Administration”.

4 (5) Section 1101(e)(2)(C) (112 Stat. 2140; 5
5 U.S.C. 3104 note) is amended by striking “subsection
6 (c)(1)” and inserting “subsection (c)(2)”.

7 (e) PUBLIC LAW 105–85.—The National Defense Au-
8 thorization Act for Fiscal Year 1998 (Public Law 105–85)
9 is amended as follows:

10 (1) Section 602(d)(1)(A) (111 Stat. 1773; 37
11 U.S.C. 402 note) is amended by striking “of” the first
12 place it appears in the matter preceding clause (ii).

13 (2) Section 1221(a)(3) (22 U.S.C. 1928 note), as
14 amended by section 1233(a)(2)(A) of Public Law
15 105–261 (112 Stat. 2156), is amended by striking the
16 second close parenthesis after “relief efforts”.

17 (f) OTHER LAWS.—

18 (1) Section 834(e) of the National Defense Au-
19 thorization Act for Fiscal Years 1990 and 1991 (15
20 U.S.C. 637 note) is amended by striking the second
21 period after “2000”.

22 (2) Section 2905(b)(4) of the Defense Base Clo-
23 sure and Realignment Act of 1990 (part A of title
24 XXIX of Public Law 101–510; 10 U.S.C. 2687 note)
25 is amended by transferring subparagraph (G) so as to

1 *appear immediately before subparagraph (H), as*
2 *added by section 2821(a) of the National Defense Au-*
3 *thorization Act for Fiscal Year 2000 (Public Law*
4 *106–65; 113 Stat. 853).*

5 *(3) Section 686(b) of title 14, United States*
6 *Code, is amended—*

7 *(A) in paragraph (1), by striking “section*
8 *403(b)” and inserting “section 403(e)”; and*

9 *(B) in paragraph (2), by striking “a basic*
10 *allowance for quarters under section 403 of title*
11 *37, and, if in a high housing cost area, a vari-*
12 *able housing allowance under section 403a of*
13 *that title” and inserting “a basic allowance for*
14 *housing under section 403 of title 37”.*

15 *(4) Section 405(f)(6)(B) of the Departments of*
16 *Labor, Health and Human Services, and Education,*
17 *and Related Agencies Appropriations Act, 1999 (as*
18 *contained in section 101(f) of division A of Public*
19 *Law 105–277; 112 Stat. 2681–430), is amended by*
20 *striking “Act of title” in the first quoted matter there-*
21 *in and inserting “Act or title”.*

22 *(5) Section 1403(c)(6) of the Defense Dependents’*
23 *Education Act of 1978 (20 U.S.C. 922(c)(6)) is*
24 *amended by striking “the” before “Assistant Secretary*
25 *of Defense”.*

1 (6) *Effective as of October 5, 1999, section 224*
2 *b. of the Atomic Energy Act of 1954 (42 U.S.C.*
3 *2274(b)) is amended by striking “\$500,000” and in-*
4 *serting “\$50,000”.*

5 **SEC. 1033. TRANSFER OF VIETNAM ERA TA-4 AIRCRAFT TO**
6 **NONPROFIT FOUNDATION.**

7 (a) *AUTHORITY TO CONVEY.—The Secretary of the*
8 *Navy may convey, without consideration, to the nonprofit*
9 *Collings Foundation of Stow, Massachusetts (in this section*
10 *referred to as the “foundation”), all right, title, and interest*
11 *of the United States in and to one surplus TA-4 aircraft*
12 *that is flyable or that can be readily restored to flyable con-*
13 *dition. The conveyance shall be made by means of a condi-*
14 *tional deed of gift.*

15 (b) *CONDITION OF AIRCRAFT.—The Secretary may not*
16 *convey ownership of an aircraft under subsection (a) until*
17 *the Secretary determines that the foundation has altered the*
18 *aircraft in such manner as the Secretary determines nec-*
19 *essary to ensure that the aircraft does not have any capa-*
20 *bility for use as a platform for launching or releasing muni-*
21 *tions or any other combat capability that it was designed*
22 *to have. The Secretary is not required to repair or alter*
23 *the condition of the aircraft before conveying ownership of*
24 *the aircraft.*

1 (c) *REVERTER UPON BREACH OF CONDITIONS.*—The
2 Secretary shall include in the instrument of conveyance of
3 the aircraft—

4 (1) a condition that the foundation not convey
5 any ownership interest in, or transfer possession of,
6 the aircraft to any other party without the prior ap-
7 proval of the Secretary;

8 (2) a condition that the foundation operate and
9 maintain the aircraft in compliance with all applica-
10 ble limitations and maintenance requirements im-
11 posed by the Administrator of the Federal Aviation
12 Administration; and

13 (3) a condition that if the Secretary determines
14 at any time that the foundation has conveyed an
15 ownership interest in, or transferred possession of, the
16 aircraft to any other party without the prior ap-
17 proval of the Secretary, or has failed to comply with
18 the condition set forth in paragraph (2), all right,
19 title, and interest in and to the aircraft, including
20 any repair or alteration of the aircraft, shall revert
21 to the United States, and the United States shall have
22 the right of immediate possession of the aircraft.

23 (d) *CONVEYANCE AT NO COST TO THE UNITED*
24 *STATES.*—The conveyance of the aircraft under subsection
25 (a) shall be made at no cost to the United States. Any costs

1 *associated with the conveyance, costs of determining compli-*
2 *ance with subsection (b), and costs of operation and mainte-*
3 *nance of the aircraft conveyed shall be borne by the founda-*
4 *tion.*

5 *(e) ADDITIONAL TERMS AND CONDITIONS.—The Sec-*
6 *retary may require such additional terms and conditions*
7 *in connection with a conveyance under this section as the*
8 *Secretary considers appropriate to protect the interests of*
9 *the United States.*

10 *(f) CLARIFICATION OF LIABILITY.—Notwithstanding*
11 *any other provision of law, upon the conveyance of owner-*
12 *ship of a TA-4 aircraft to the foundation under subsection*
13 *(a), the United States shall not be liable for any death, in-*
14 *jury, loss, or damage that results from any use of that air-*
15 *craft by any person other than the United States.*

16 **SEC. 1034. TRANSFER OF 19TH CENTURY CANNON TO MU-**
17 **SEUM.**

18 *(a) DONATION REQUIRED.—The Secretary of the Army*
19 *shall convey, without consideration, to the Cannonball*
20 *House Museum located in Macon, Georgia (in this section*
21 *referred to as the “recipient”), all right, title, and interest*
22 *of the United States in and to a 12-pounder Napoleon can-*
23 *non bearing the following markings:*

24 *(1) On the top “CS”,*

1 (2) *On the face of the muzzle: “Macon Arsenal,*
2 *1864/No.41/1164 ET”.*

3 (3) *On the right trunnion: “Macon Arsenal*
4 *GEO/1864/No.41/WT.1164/E.T.”.*

5 (b) *CONDITIONS ON CONVEYANCE.—The Secretary*
6 *shall include in the instrument of conveyance of the cannon*
7 *under subsection (a)—*

8 (1) *a condition that the recipient not convey any*
9 *ownership interest in, or transfer possession of, the*
10 *cannon to any other party without the prior approval*
11 *of the Secretary; and*

12 (2) *a condition that if the Secretary determines*
13 *at any time that the recipient has conveyed an owner-*
14 *ship interest in, or transferred possession of, the can-*
15 *non to any other party without the prior approval of*
16 *the Secretary, all right, title, and interest in and to*
17 *the cannon shall revert to the United States, and the*
18 *United States shall have the right of immediate pos-*
19 *session of the cannon.*

20 (c) *ADDITIONAL TERMS AND CONDITIONS.—The Sec-*
21 *retary may require such additional terms and conditions*
22 *in connection with the conveyance under subsection (a) as*
23 *the Secretary considers appropriate to protect the interests*
24 *of the United States.*

1 *(including costs for document search, copying, and review*
2 *and imagery analysis) may not exceed \$30,000,000.*

3 *(c) COMPILATION AND ORGANIZATION OF RECORDS.—*
4 *The Department of Defense may not be required, when con-*
5 *ducting a special search, to compile or organize records that*
6 *have already been declassified and placed into the public*
7 *domain.*

8 *(d) SPECIAL SEARCHES.—For the purpose of this sec-*
9 *tion, the term “special search” means the response of the*
10 *Department of Defense to any of the following:*

11 *(1) A statutory requirement to conduct a declas-*
12 *sification review on a specified set of agency records.*

13 *(2) An Executive order to conduct a declassifica-*
14 *tion review on a specified set of agency records.*

15 *(3) An order from the President or an official*
16 *with delegated authority from the President to con-*
17 *duct a declassification review on a specified set of*
18 *agency records.*

19 **SEC. 1036. AUTHORITY TO PROVIDE LOAN GUARANTEES TO**
20 **IMPROVE DOMESTIC PREPAREDNESS TO**
21 **COMBAT CYBERTERRORISM.**

22 *(a) AUTHORITY.—Subject to subsection (b), the Sec-*
23 *retary of Defense may guarantee the repayment of any loan*
24 *made to a qualified commercial firm to fund, in whole or*
25 *in part, any of the following activities:*

1 (1) *The improvement of the protection of the*
2 *critical infrastructure of that commercial firm.*

3 (2) *The refinancing of improvements previously*
4 *made to the protection of the critical infrastructure of*
5 *that commercial firm.*

6 (b) *SUBJECT TO APPROPRIATIONS OF BUDGET AU-*
7 *THORITY.—Loan guarantees under this section may not be*
8 *committed except to the extent that appropriations of budg-*
9 *et authority to cover their costs are made in advance, as*
10 *required by section 504 of the Federal Credit Reform Act*
11 *of 1990 (2 U.S.C. 661c).*

12 (c) *LOAN LIMITS.—The maximum amount of loan*
13 *principal guaranteed during a fiscal year under this section*
14 *may not exceed \$10,000,000, with respect to all borrowers.*

15 (d) *QUALIFIED COMMERCIAL FIRMS.—For purposes of*
16 *this section, a qualified commercial firm is a company or*
17 *other business entity (including a consortium of such com-*
18 *panies or other business entities, as determined by the Sec-*
19 *retary) that the Secretary determines—*

20 (1) *conducts a significant level of its research,*
21 *development, engineering, and manufacturing activi-*
22 *ties in the United States;*

23 (2) *is a company or other business entity the*
24 *majority ownership or control of which is by United*
25 *States citizens or is a company or other business of*

1 *a parent company that is incorporated in a country*
2 *the government of which—*

3 *(A) encourages the participation of firms so*
4 *owned or controlled in research and development*
5 *consortia to which the government of that coun-*
6 *try provides funding directly or provides funding*
7 *indirectly through international organizations or*
8 *agreements; and*

9 *(B) affords adequate and effective protection*
10 *for the intellectual property rights of companies*
11 *incorporated in the United States;*

12 *(3) provides technology products or services crit-*
13 *ical to the operations of the Department of Defense;*
14 *and*

15 *(4) meets standards of prevention of*
16 *cyberterrorism applicable to the Department of*
17 *Defense.*

18 *(e) GOALS AND STANDARDS.—The Secretary shall pre-*
19 *scribe regulations setting forth goals for the use of the loan*
20 *guarantees provided under this section and standards for*
21 *evaluating whether those goals are met by each entity re-*
22 *ceiving such loan guarantees.*

23 *(f) FEES.—(1) The Secretary shall prescribe regula-*
24 *tions to assess a fee for providing a loan guarantee under*
25 *this section. The amount of such fee shall be not less than*

1 75 percent of the amount incurred by the Secretary to pro-
2 vide the loan guarantee. Such fees shall be credited to a
3 special account in the Treasury. Amounts in the special ac-
4 count shall be available, to the extent and in amounts pro-
5 vided in appropriations Acts, for paying the costs of admin-
6 istrative expenses of the Department of Defense that are at-
7 tributable to the loan guarantee program under this section.

8 (2)(A) If for any fiscal year amounts in the special
9 account established under paragraph (1) are not available
10 (or are not anticipated to be available) in a sufficient
11 amount for administrative expenses of the Department of
12 Defense for that fiscal year that are directly attributable
13 to the administration of the program under this section,
14 the Secretary may use amounts currently available for op-
15 erations and maintenance for Defense-wide activities, not
16 to exceed \$500,000 in any fiscal year, for those expenses.

17 (B) The Secretary shall, from funds in the special ac-
18 count established under paragraph (1), replenish operations
19 and maintenance accounts for amounts expended under
20 subparagraph (A) as soon as the Secretary determines prac-
21 ticable.

22 (g) ADMINISTRATION.—(1) The Secretary shall enter
23 into one or more agreements, each with an appropriate Fed-
24 eral or private entity, under which such entity shall, under
25 this section—

1 (A) process applications for loan guarantees;
2 (B) guarantee repayment of loans; and
3 (C) provide any other services to the Secretary to
4 administer this section.

5 (2) The cost of such agreements shall be considered, for
6 purposes of the special account established under subsection
7 (f)(1), to be costs of administrative expenses of the Depart-
8 ment of Defense that are attributable to the loan guarantee
9 program under this section.

10 (h) *REPORTS.*—

11 (1) *BY RECIPIENTS.*—The Secretary shall require
12 each recipient of a loan guarantee under this section,
13 as a condition of receiving that loan guarantee, to
14 submit to the Secretary a report on the results of the
15 improvements carried out pursuant to the loan guar-
16 antee.

17 (2) *BY SECRETARY.*—Not later than March 1 of
18 each year in which a guarantee issued under this sec-
19 tion is in effect, the Secretary shall submit to Con-
20 gress a report specifying the amounts of loans guar-
21 anteed under this section during the preceding cal-
22 endar year. The report shall include an evaluation of
23 the success of the loan guarantees, an assessment of
24 the program as it relates to the support of the Depart-
25 ment's Critical Infrastructure Protection Program,

1 *and any other information that the Secretary con-*
2 *siders appropriate.*

3 (i) *DEFINITIONS.— In this section:*

4 (1) *The term “critical infrastructure” means*
5 *telecommunications systems, information systems,*
6 *and facilities, the loss of which would have a debili-*
7 *tating effect on the ability of the commercial firm to*
8 *deliver technology products or services to the Depart-*
9 *ment of Defense.*

10 (2) *The term “cyberterrorism” means the com-*
11 *mission of any of the following acts with respect to*
12 *protected computers (as defined in section 1030(e)(2)*
13 *of title 18, United States Code):*

14 (A) *Knowing transmission of a program,*
15 *information, code, or command, that as a result*
16 *of such conduct, intentionally causes damage*
17 *without authorization, to a protected computer.*

18 (B) *Intentional access of a protected com-*
19 *puter without authorization, that as a result of*
20 *such conduct, recklessly causes damage.*

21 (C) *Intentional access of a protected com-*
22 *puter without authorization, that as a result of*
23 *such conduct, causes damage.*

24 (j) *AUTHORIZATION OF APPROPRIATIONS.—Of the*
25 *amount authorized to be appropriated for Defense-wide ac-*

1 *tivities by section 201(4), \$500,000 shall be available only*
2 *for the purpose of providing loan guarantees under this sec-*
3 *tion.*

4 **SEC. 1037. V-22 COCKPIT AIRCRAFT VOICE AND FLIGHT**
5 **DATA RECORDERS.**

6 *The Secretary of Defense shall require that all*
7 *V-22 Osprey aircraft be equipped with a state-of-the-art*
8 *cockpit voice recorder and a state-of-the-art flight data re-*
9 *order each of which meets, at a minimum, the standards*
10 *for such devices recommended by the National Transpor-*
11 *tation Safety Board.*

12 **TITLE XI—DEPARTMENT OF**
13 **DEFENSE CIVILIAN PERSONNEL**

14 **SEC. 1101. EMPLOYMENT AND COMPENSATION PROVISIONS**
15 **FOR EMPLOYEES OF TEMPORARY ORGANIZA-**
16 **TIONS ESTABLISHED BY LAW OR EXECUTIVE**
17 **ORDER.**

18 *(a) IN GENERAL.—Chapter 31 of title 5, United States*
19 *Code, is amended by adding at the end the following new*
20 *subchapter:*

1 “SUBCHAPTER IV—EMPLOYMENT AND COM-
2 PENSATION FOR EMPLOYEES OF TEM-
3 PORARY ORGANIZATIONS IN THE EXECUTIVE
4 BRANCH ESTABLISHED BY LAW OR EXECU-
5 TIVE ORDER

6 “§3161. *Temporary organizations established by law*
7 *or Executive order*

8 “(a) *DEFINITION OF TEMPORARY ORGANIZATION.—*
9 *For the purposes of this subchapter, the term ‘temporary*
10 *organization’ means an organization such as a commission,*
11 *committee, or board that is established by law in the legisla-*
12 *tive or executive branches, or by Executive order in the exec-*
13 *utive branch, for a specific period, which shall not exceed*
14 *5 years, for the purpose of performing specific projects or*
15 *studies.*

16 “(b) *HIRING AUTHORITY.—Notwithstanding the provi-*
17 *sions of chapter 51, the head of a temporary organization*
18 *may employ such numbers and types of employees as re-*
19 *quired to perform the functions required of the temporary*
20 *organization. Employees may be appointed for a period of*
21 *5 years or the life of the temporary organization, whichever*
22 *is less.*

23 “(c) *STATUS OF POSITIONS AND APPOINTMENTS.—Po-*
24 *sitions of employment in a temporary organization are ex-*
25 *cepted from the competitive service.*

1 “(d) *COMPENSATION.*—(1) *The basic pay of an em-*
2 *ployee of a temporary organization may be set without re-*
3 *gard to the provisions of chapter 51 or subchapter III of*
4 *chapter 53, except that—*

5 “(A) *basic pay for an executive level position*
6 *(such as a chairperson, member, or executive or staff*
7 *director), and, in exceptional cases, for senior staff*
8 *shall be capped at the maximum rate of basic pay es-*
9 *tablished for the Senior Executive Service under sub-*
10 *chapter VIII of chapter 53; and*

11 “(B) *basic pay for other staff may not exceed the*
12 *maximum rate of basic pay for GS–15 of the General*
13 *Schedule.*

14 “(2) *An employee whose rate of basic pay is set under*
15 *paragraph (1) shall be entitled to locality-based com-*
16 *parability payments, as provided under section 5304.*

17 “(e) *TRAVEL EXPENSES.*—*An employee of a tem-*
18 *porary organization, whether employed on a full-time or*
19 *part-time basis, may be entitled to travel and transpor-*
20 *tation allowances, including per diem allowances, author-*
21 *ized for employees under subchapter I of chapter 57, while*
22 *traveling away from the regular place of business of the em-*
23 *ployee in the performance of services for the temporary or-*
24 *ganization.*

1 “(f) *RETURN RIGHTS.*—An employee serving under a
2 career or career-conditional appointment, or the equivalent,
3 who transfers to or converts to an appointment in a tem-
4 porary organization with the consent of the head of the
5 agency (or the designee of the agency head) in which the
6 employee was serving is entitled to be returned to a position
7 of like seniority, status, and pay (without grade or pay re-
8 tention) as the former position in the agency from which
9 employed immediately preceding employment with the tem-
10 porary organization if—

11 “(1) the employee is being separated from the
12 temporary organization for reasons other than mis-
13 conduct, neglect of duty, or malfeasance; and

14 “(2) the employee applies for return rights not
15 later than 30 days before the end of the employment
16 in the temporary organization, or the termination of
17 the temporary organization, whichever is earlier.

18 “(g) *PROCUREMENT OF TEMPORARY AND INTERMIT-*
19 *TENT SERVICES.*—The head of the temporary organization
20 may procure temporary and intermittent services under
21 section 3109(b).

22 “(h) *ACCEPTANCE OF VOLUNTEER SERVICES.*—(1) The
23 head of a temporary organization may accept volunteer
24 services relating to the duties of the temporary organization
25 without regard to section 1342 of title 31, including service

1 *as advisers, experts, members, or in other capacities deter-*
2 *mined appropriate by the head of the temporary organiza-*
3 *tion. The head of the temporary organization—*

4 “(A) *shall assure that all persons accepted as*
5 *volunteers are notified of the scope of the voluntary*
6 *services accepted;*

7 “(B) *shall supervise volunteers to the same extent*
8 *as employees receiving compensation for similar serv-*
9 *ices; and*

10 “(C) *shall ensure that volunteers have appro-*
11 *priate credentials or are otherwise qualified to per-*
12 *form in the capacities for which they are accepted.*

13 “(2) *A person providing volunteer services under*
14 *this subsection shall be considered an employee of the*
15 *Federal Government for the purposes of chapters 73*
16 *and 81, chapter 171 of title 28, chapter 11 of title 18,*
17 *and part 2635 of title 5 of the Code of Federal regula-*
18 *tions.*

19 “(i) *DETAILEES.—Upon request of the head of the tem-*
20 *porary organization, the head of any department or agency*
21 *of the United States may detail, on a nonreimbursable*
22 *basis, any personnel of the department or agency to the tem-*
23 *porary organization to assist in carrying out its duties.”.*

1 (b) *CLERICAL AMENDMENT.*—*The table of sections at*
 2 *the beginning of such chapter is amended by inserting after*
 3 *the items relating to subchapter III the following:*

“*SUBCHAPTER IV—EMPLOYMENT AND COMPENSATION FOR EM-*
PLOYEES OF TEMPORARY ORGANIZATIONS ESTABLISHED BY
LAW OR EXECUTIVE ORDER”

“*3161. Temporary organizations established by law or Executive order.*”.

4 **SEC. 1102. RESTRUCTURING THE RESTRICTION ON DEGREE**
 5 **TRAINING.**

6 Section 4107 of title 5, United States Code, is
 7 amended—

8 (1) in subsection (a), by striking “subsection (b)”
 9 and inserting “subsections (b) and (c)”;

10 (2) in subsection (b)(1), by striking “subsection
 11 (a)” and inserting “subsections (a) or (c)”; and

12 (3) by adding at the end the following new sub-
 13 section:

14 “(c) *With respect to an employee of the Department*
 15 *of Defense—*

16 “(1) *this chapter does not authorize, except as*
 17 *provided in subsection (b) of this section, the selection*
 18 *and assignment of the employee for training, or the*
 19 *payment or reimbursement of the costs of training,*
 20 *for—*

21 “(A) *the purpose of providing an oppor-*
 22 *tunity to the employee to obtain an academic de-*
 23 *gree in order to qualify for appointment to a*

1 *particular position for which the academic de-*
2 *gree is a basic requirement; or*

3 *“(B) the sole purpose of providing an op-*
4 *portunity to the employee to obtain one or more*
5 *academic degrees, unless such opportunity is*
6 *part of a planned, systematic, and coordinated*
7 *program of professional development endorsed by*
8 *the Department of Defense; and*

9 *“(2) any course of post-secondary education de-*
10 *livered through classroom, electronic, or other means*
11 *shall be administered or conducted by an institution*
12 *recognized under standards implemented by a na-*
13 *tional or regional accrediting body, except in a case*
14 *in which such standards do not exist or would not be*
15 *appropriate.”.*

16 **SEC. 1103. CONTINUATION OF TUITION REIMBURSEMENT**
17 **AND TRAINING FOR CERTAIN ACQUISITION**
18 **PERSONNEL.**

19 *Section 1745(a)(2) of title 10, United States Code, is*
20 *amended by striking “September 30, 2001” and inserting*
21 *“September 30, 2005”.*

1 (A) by striking “sensitive position in an in-
2 telligence component of the Department of De-
3 fense” in the matter preceding paragraph (1)
4 and inserting “sensitive defense intelligence posi-
5 tion”; and

6 (B) by striking “with the intelligence com-
7 ponent” in paragraphs (1) and (2) and inserting
8 “in a defense intelligence position”;

9 (3) in subsection (d), by striking “an intelligence
10 component of the Department of Defense” and insert-
11 ing “in a defense intelligence position”; and

12 (4) by striking subsection (f).

13 (c) **CONFORMING AMENDMENT FOR DEFINITION OF**
14 **DEFENSE INTELLIGENCE POSITION.**—Section 1614(1) of
15 such title is amended by striking “of an intelligence compo-
16 nent of the Department of Defense or of a military depart-
17 ment” and inserting “of the Department of Defense”.

18 **SEC. 1106. PILOT PROGRAM FOR REENGINEERING THE**
19 **EQUAL EMPLOYMENT OPPORTUNITY COM-**
20 **PLAINT PROCESS.**

21 (a) **PILOT PROGRAM.**—(1) *The Secretary of the Navy*
22 *may carry out a pilot program to improve processes for*
23 *the resolution of equal employment opportunity complaints*
24 *by civilian employees of the Department of the Navy. Com-*
25 *plaints processed under the pilot program shall be subject*

1 *to the procedural requirements established for the pilot pro-*
2 *gram and shall not be subject to the procedural require-*
3 *ments of 29 CFR part 1614 or other regulations or direc-*
4 *tives of the Equal Employment Opportunity Commission.*

5 (2) *The pilot program shall include procedures to re-*
6 *duce processing time and eliminate redundancy with re-*
7 *spect to processes for the resolution of equal employment*
8 *opportunity complaints, reinforce local management and*
9 *chain-of-command accountability, and provide the parties*
10 *involved with early opportunity for resolution.*

11 (3) *The Secretary may waive any regulatory restric-*
12 *tions prescribed by the Equal Employment Opportunity*
13 *Commission in carrying out the pilot program.*

14 (4) *The Secretary may carry out the pilot program*
15 *for a period of 5 years, beginning on January 1, 2001.*

16 (5) *Participation in the pilot program shall be vol-*
17 *untary on the part of the complainant. Complainants who*
18 *participate in the pilot program shall retain the right to*
19 *appeal a final agency decision to the Equal Employment*
20 *Opportunity Commission and to file suit in district court.*
21 *The Equal Employment Opportunity Commission shall not*
22 *reverse a final agency decision on the grounds that the agen-*
23 *cy did not comply with the regulatory requirements pro-*
24 *mulgated by the Commission. This paragraph applies to all*
25 *cases currently pending before the Equal Employment Op-*

1 opportunity Commission or hereinafter filed with the Com-
2 mission.

3 (b) *REPORT.*—Not later than 90 days following the end
4 of the second and fourth full or partial fiscal years during
5 which the pilot program is implemented, the Comptroller
6 General shall submit to Congress a report on the pilot pro-
7 gram. Such reports shall contain the following:

8 (1) *A description of the processes tested by the*
9 *pilot program.*

10 (2) *The results of such testing.*

11 (3) *Recommendations for changes to the processes*
12 *for the resolution of equal employment opportunity*
13 *complaints as a result of such pilot program.*

14 (4) *A comparison of the processes used under the*
15 *pilot program to traditional and alternative dispute*
16 *resolution processes used in the government or private*
17 *industry.*

18 **TITLE XII—MATTERS RELATING**
19 **TO OTHER NATIONS**

20 **SEC. 1201. SUPPORT OF UNITED NATIONS-SPONSORED EF-**
21 **FORTS TO INSPECT AND MONITOR IRAQI**
22 **WEAPONS ACTIVITIES.**

23 (a) *LIMITATION ON AMOUNT OF ASSISTANCE IN FIS-*
24 *CAL YEAR 2001*—The total amount of the assistance for fis-
25 cal year 2001 that is provided by the Secretary of Defense

1 *under section 1505 of the Weapons of Mass Destruction*
2 *Control Act of 1992 (22 U.S.C. 5859a) as activities of the*
3 *Department of Defense in support of activities under that*
4 *Act may not exceed \$15,000,000.*

5 *(b) EXTENSION OF AUTHORITY TO PROVIDE ASSIST-*
6 *ANCE.—Subsection (f) of section 1505 of the Weapons of*
7 *Mass Destruction Control Act of 1992 (22 U.S.C. 5859a)*
8 *is amended by striking “2000” and inserting “2001”.*

9 **SEC. 1202. ANNUAL REPORT ASSESSING EFFECT OF CON-**
10 **TINUED OPERATIONS IN THE BALKANS RE-**
11 **GION ON READINESS TO EXECUTE THE NA-**
12 **TIONAL MILITARY STRATEGY.**

13 *Section 1035 of the National Defense Authorization*
14 *Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat.*
15 *753) is amended—*

16 *(1) in subsection (a), by striking “Not later than*
17 *180 days after the date of the enactment of this Act”*
18 *and inserting “Not later than April 1 each year”;*

19 *(2) in subsection (b), by striking “The report” in*
20 *the matter preceding paragraph (1) and inserting*
21 *“Each report”; and*

22 *(3) in subsection (d), by striking “the report”*
23 *and inserting “a report”.*

1 **SEC. 1203. SITUATION IN THE BALKANS.**

2 (a) *ESTABLISHMENT OF NATO BENCHMARKS FOR*
3 *WITHDRAWAL OF FORCES FROM KOSOVO.*—*The President*
4 *shall develop, not later than May 31, 2001, militarily sig-*
5 *nificant benchmarks for conditions that would achieve a*
6 *sustainable peace in Kosovo and ultimately allow for the*
7 *withdrawal of the United States military presence in*
8 *Kosovo. Congress urges the President to seek concurrence*
9 *among member nations of the North Atlantic Treaty Orga-*
10 *nization in the development of those benchmarks.*

11 (b) *COMPREHENSIVE POLITICAL-MILITARY STRAT-*
12 *EGY.*—*The President shall develop a comprehensive polit-*
13 *ical-military strategy for addressing the political, economic,*
14 *humanitarian, and military issues in the Balkans and shall*
15 *establish near-term, mid-term, and long-term objectives in*
16 *the region. In developing such strategy and such objectives,*
17 *the President shall take into consideration the benchmarks*
18 *relating to Kosovo developed as described in subsection (a)*
19 *and the benchmarks relating to Bosnia that were detailed*
20 *in the report accompanying the certification by the Presi-*
21 *dent to Congress on March 3, 1998 (printed as House Docu-*
22 *ment 105–223), with respect to the continued presence of*
23 *United States Armed Forces, after June 30, 1998, in Bosnia*
24 *and Herzegovina, submitted to Congress pursuant to section*
25 *7 of Public Law 105–74. Such strategy and objectives shall*

1 *be developed in consultation with appropriate regional and*
2 *international entities.*

3 (c) *SEMIANNUAL REPORT ON COMPREHENSIVE STRAT-*
4 *EGY.—Not later than June 30, 2001, and six months there-*
5 *after so long as United States forces are in the Balkans,*
6 *the President shall submit to Congress a report on the*
7 *progress being made in developing and implementing a*
8 *comprehensive political-military strategy as described in*
9 *subsection (b).*

10 (d) *SEMIANNUAL REPORT ON BENCHMARKS.—Not*
11 *later than June 30, 2001, and every six months thereafter,*
12 *the President shall submit to Congress a report on the*
13 *progress made in achieving the conditions established by*
14 *those benchmarks.*

15 **SEC. 1204. LIMITATION ON NUMBER OF MILITARY PER-**
16 **SONNEL IN COLOMBIA.**

17 (a) *LIMITATION.—None of the funds available to the*
18 *Department of Defense may be used to support or maintain*
19 *more than 500 members of the Armed Forces on duty in*
20 *the Republic of Colombia at any time.*

21 (b) *EXCEPTIONS.—There shall be excluded from count-*
22 *ing for the purposes of the limitation in subsection (a) the*
23 *following:*

24 (1) *A member of the Armed Forces in the Repub-*
25 *lic of Colombia for the purpose of rescuing or retriev-*

1 *ing United States military or civilian Government*
 2 *personnel, except that the period for which such a*
 3 *member may be so excluded may not exceed 30 days*
 4 *unless expressly authorized by law.*

5 (2) *A member of the Armed Forces assigned to*
 6 *the United States Embassy in Colombia as an*
 7 *attaché, as a member of the security assistance office,*
 8 *or as a member of the Marine Corps security contin-*
 9 *gent.*

10 (3) *A member of the Armed Forces in Colombia*
 11 *to participate in relief efforts in responding to a nat-*
 12 *ural disaster.*

13 (4) *Nonoperational transient military personnel.*

14 **TITLE XIII—COOPERATIVE**
 15 **THREAT REDUCTION WITH**
 16 **STATES OF THE FORMER SO-**
 17 **VIET UNION**

18 **SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT RE-**
 19 **DUCTION PROGRAMS AND FUNDS.**

20 (a) *SPECIFICATION OF CTR PROGRAMS.—For pur-*
 21 *poses of section 301 and other provisions of this Act, Coop-*
 22 *erative Threat Reduction programs are the programs speci-*
 23 *fied in section 1501(b) of the National Defense Authoriza-*
 24 *tion Act for Fiscal Year 1997 (Public Law 104–201; 110*
 25 *Stat. 2731; 50 U.S.C. 2362 note).*

1 (b) *FISCAL YEAR 2001 COOPERATIVE THREAT REDUC-*
2 *TION FUNDS DEFINED.*—As used in this title, the term “fis-
3 cal year 2001 Cooperative Threat Reduction funds” means
4 the funds appropriated pursuant to the authorization of ap-
5 propriations in section 301 for Cooperative Threat Reduc-
6 tion programs.

7 (c) *AVAILABILITY OF FUNDS.*—Funds appropriated
8 pursuant to the authorization of appropriations in section
9 301 for Cooperative Threat Reduction programs shall be
10 available for obligation for three fiscal years.

11 **SEC. 1302. FUNDING ALLOCATIONS.**

12 (a) *FUNDING FOR SPECIFIC PURPOSES.*—Of the
13 \$433,400,000 authorized to be appropriated to the Depart-
14 ment of Defense for fiscal year 2001 in section 301(23) for
15 Cooperative Threat Reduction programs, not more than the
16 following amounts may be obligated for the purposes speci-
17 fied:

18 (1) *For strategic offensive arms elimination in*
19 *Russia, \$162,800,000.*

20 (2) *For strategic nuclear arms elimination in*
21 *Ukraine, \$34,100,000.*

22 (3) *For activities to support warhead dismantle-*
23 *ment processing in Russia, \$9,300,000.*

24 (4) *For weapons transportation security in Rus-*
25 *sia, \$14,000,000.*

1 (5) *For planning, design, and construction of a*
2 *storage facility for Russian fissile material,*
3 *\$57,400,000.*

4 (6) *For weapons storage security in Russia,*
5 *\$89,700,000.*

6 (7) *For development of a cooperative program*
7 *with the Government of Russia to eliminate the pro-*
8 *duction of weapons grade plutonium at Russian reac-*
9 *tors, \$32,100,000.*

10 (8) *For biological weapons proliferation preven-*
11 *tion activities in Russia, \$12,000,000.*

12 (9) *For activities designated as Other Assess-*
13 *ments/Administrative Support, \$13,000,000.*

14 (10) *For defense and military contacts,*
15 *\$9,000,000.*

16 (b) *REPORT ON OBLIGATION OR EXPENDITURE OF*
17 *FUNDS FOR OTHER PURPOSES.—No fiscal year 2001 Coop-*
18 *erative Threat Reduction funds may be obligated or ex-*
19 *pended for a purpose other than a purpose listed in para-*
20 *graphs (1) through (10) of subsection (a) until 30 days after*
21 *the date that the Secretary of Defense submits to Congress*
22 *a report on the purpose for which the funds will be obligated*
23 *or expended and the amount of funds to be obligated or ex-*
24 *pended. Nothing in the preceding sentence shall be construed*
25 *as authorizing the obligation or expenditure of fiscal year*

1 *2001 Cooperative Threat Reduction funds for a purpose for*
2 *which the obligation or expenditure of such funds is specifi-*
3 *cally prohibited under this title or any other provision of*
4 *law.*

5 (c) *LIMITED AUTHORITY TO VARY INDIVIDUAL*
6 *AMOUNTS.—(1) Subject to paragraphs (2) and (3), in any*
7 *case in which the Secretary of Defense determines that it*
8 *is necessary to do so in the national interest, the Secretary*
9 *may obligate amounts appropriated for fiscal year 2001 for*
10 *a purpose listed in any of the paragraphs in subsection (a)*
11 *in excess of the amount specifically authorized for such pur-*
12 *pose.*

13 (2) *An obligation of funds for a purpose stated in any*
14 *of the paragraphs in subsection (a) in excess of the specific*
15 *amount authorized for such purpose may be made using*
16 *the authority provided in paragraph (1) only after—*

17 (A) *the Secretary submits to Congress notifica-*
18 *tion of the intent to do so together with a complete*
19 *discussion of the justification for doing so; and*

20 (B) *15 days have elapsed following the date of*
21 *the notification.*

22 (3) *The Secretary may not, under the authority pro-*
23 *vided in paragraph (1), obligate amounts for the purposes*
24 *stated in any of paragraphs (4), (5), (7), (9), or (10) of*

1 subsection (a) in excess of 115 percent of the amount specifi-
2 cally authorized for such purposes.

3 **SEC. 1303. PROHIBITION ON USE OF FUNDS FOR ELIMI-**
4 **NATION OF CONVENTIONAL WEAPONS.**

5 *No fiscal year 2001 Cooperative Threat Reduction*
6 *funds, and no funds appropriated for Cooperative Threat*
7 *Reduction programs for any other fiscal year, may be obli-*
8 *gated or expended for elimination of conventional weapons*
9 *or the delivery vehicles primarily intended to deliver such*
10 *weapons.*

11 **SEC. 1304. LIMITATIONS ON USE OF FUNDS FOR FISSILE**
12 **MATERIAL STORAGE FACILITY.**

13 (a) *LIMITATIONS.*—*No fiscal year 2001 Cooperative*
14 *Threat Reduction funds may be used—*

15 (1) *for construction of a second wing for the stor-*
16 *age facility for Russian fissile material referred to in*
17 *section 1302(a)(5); or*

18 (2) *for design or planning with respect to such*
19 *facility until 15 days after the date that the Secretary*
20 *of Defense submits to Congress notification that Rus-*
21 *sia and the United States have signed a verifiable*
22 *written transparency agreement that ensures that ma-*
23 *terial stored at the facility is of weapons origin.*

24 (b) *ESTABLISHMENT OF FUNDING CAP FOR FIRST*
25 *WING OF STORAGE FACILITY.*—*Out of funds authorized to*

1 *be appropriated for Cooperative Threat Reduction pro-*
2 *grams for fiscal year 2001 or any other fiscal year, not*
3 *more than \$412,600,000 may be used for planning, design,*
4 *or construction of the first wing for the storage facility for*
5 *Russian fissile material referred to in section 1302(a)(5).*

6 **SEC. 1305. LIMITATION ON USE OF FUNDS UNTIL SUBMIS-**
7 **SION OF MULTIYEAR PLAN.**

8 *Not more than ten percent of fiscal year 2001 Coopera-*
9 *tive Threat Reduction funds may be obligated or expended*
10 *until the Secretary of Defense submits to Congress an up-*
11 *dated version of the multiyear plan for fiscal year 2001 re-*
12 *quired to be submitted under section 1205 of the National*
13 *Defense Authorization Act for Fiscal Year 1995 (Public*
14 *Law 103-337; 22 U.S.C. 5952 note).*

15 **SEC. 1306. RUSSIAN NONSTRATEGIC NUCLEAR ARMS.**

16 *(a) REPORTING REQUIREMENT.—(1) Not later than*
17 *October 1, 2000, the Secretary of Defense shall submit to*
18 *Congress a report on the following regarding Russia's arse-*
19 *nal of tactical nuclear warheads:*

20 *(A) Estimates regarding current types, numbers,*
21 *yields, viability, locations, and deployment status of*
22 *the warheads.*

23 *(B) An assessment of the strategic relevance of*
24 *the warheads.*

1 *parency measures, regarding assistance by the United*
2 *States with respect to such processing.*

3 **SEC. 1308. AGREEMENT ON NUCLEAR WEAPONS STORAGE**
4 **SITES.**

5 *The Secretary of Defense shall seek to enter into an*
6 *agreement with Russia regarding procedures to allow the*
7 *United States appropriate access to nuclear weapons stor-*
8 *age sites for which assistance under Cooperative Threat Re-*
9 *duction programs is provided.*

10 **SEC. 1309. PROHIBITION ON USE OF FUNDS FOR CON-**
11 **STRUCTION OF FOSSIL FUEL ENERGY**
12 **PLANTS.**

13 *No fiscal year 2001 Cooperative Threat Reduction*
14 *funds, and no funds appropriated for Cooperative Threat*
15 *Reduction programs for any other fiscal year, may be used*
16 *for the construction of a fossil fuel energy plant.*

17 **SEC. 1310. AUDITS OF COOPERATIVE THREAT REDUCTION**
18 **PROGRAMS.**

19 *(a) REPORT ON AUDITS.—Not later than March 31,*
20 *2001, the Comptroller General shall submit to Congress a*
21 *report examining the procedures and mechanisms with re-*
22 *spect to audits by the Department of Defense of the use of*
23 *funds for Cooperative Threat Reduction programs. The re-*
24 *port shall examine the following:*

1 **TITLE XIV—COMMISSION TO AS-**
2 **SESS THE THREAT TO THE**
3 **UNITED STATES FROM ELEC-**
4 **TROMAGNETIC PULSE (EMP)**
5 **ATTACK**

6 **SEC. 1401. ESTABLISHMENT OF COMMISSION.**

7 (a) *ESTABLISHMENT.*—*There is hereby established a*
8 *commission to be known as the “Commission to Assess the*
9 *Threat to the United States from Electromagnetic Pulse At-*
10 *tack” (hereinafter in this title referred to as the “Commis-*
11 *sion”).*

12 (b) *COMPOSITION.*—*The Commission shall be composed*
13 *of nine members. Seven of the members shall be appointed*
14 *by the Secretary of Defense and two of the members shall*
15 *be appointed by the Director of the Federal Emergency*
16 *Management Agency. In selecting individuals for appoint-*
17 *ment to the Commission, the Secretary of Defense shall con-*
18 *sult with the chairmen and ranking minority members of*
19 *the Committees on Armed Services of the Senate and House*
20 *of Representatives.*

21 (c) *QUALIFICATIONS.*—*Members of the Commission*
22 *shall be appointed from among private United States citi-*
23 *zens with knowledge and expertise in the scientific, tech-*
24 *nical, and military aspects of electromagnetic pulse (herein-*
25 *after referred to as “EMP”) effects resulting from the deto-*

1 *nation of a nuclear weapon or weapons at high altitude,*
2 *sometimes referred to as high-altitude electromagnetic pulse*
3 *effects (HEMP).*

4 (d) *CHAIRMAN OF COMMISSION.*—*The Secretary of De-*
5 *fense shall designate one of the members of the Commission*
6 *to serve as chairman of the Commission.*

7 (e) *PERIOD OF APPOINTMENT; VACANCIES.*—*Members*
8 *shall be appointed for the life of the Commission. Any va-*
9 *cancy in the Commission shall be filled in the same manner*
10 *as the original appointment.*

11 (f) *SECURITY CLEARANCES.*—*All members of the Com-*
12 *mission shall hold appropriate security clearances.*

13 (g) *INITIAL ORGANIZATION REQUIREMENTS.*—*All ap-*
14 *pointments to the Commission shall be made not later than*
15 *45 days after the date of the enactment of this Act. The*
16 *Commission shall convene its first meeting not later than*
17 *30 days after the date as of which all members of the Com-*
18 *mission have been appointed.*

19 **SEC. 1402. DUTIES OF COMMISSION.**

20 (a) *REVIEW OF EMP THREAT.*—*The Commission shall*
21 *assess—*

22 (1) *the nature and magnitude of potential high-*
23 *altitude EMP threats to the United States from Rus-*
24 *sia, China, North Korea, and other potentially hostile*
25 *states or non-state actors that have or could acquire*

1 *nuclear weapons and ballistic missiles enabling them*
2 *to perform a high-altitude EMP attack against the*
3 *United States within the next 15 years;*

4 *(2) the vulnerability of United States military*
5 *and especially civilian systems to an EMP attack,*
6 *giving special attention to vulnerability of the civil-*
7 *ian infrastructure as a matter of emergency prepared-*
8 *ness; and*

9 *(3) the capability of the United States to repair*
10 *and recover from damage inflicted on United States*
11 *military and civilian systems by an EMP attack.*

12 *(4) the feasibility and cost of hardening select*
13 *military and civilian systems against EMP attack.*

14 *(b) RECOMMENDATION.—The Commission shall rec-*
15 *ommend steps that can be taken by the United States to*
16 *better protect its military and civilian systems from EMP*
17 *attack.*

18 *(c) COOPERATION FROM GOVERNMENT OFFICIALS.—*
19 *In carrying out its duties, the Commission should receive*
20 *the full and timely cooperation of the Secretary of Defense,*
21 *the Director of the Federal Emergency Management Agency,*
22 *and any other United States Government official serving*
23 *in the Department of Defense or Armed Forces in providing*
24 *the Commission with analyses, briefings, and other infor-*
25 *mation necessary for the fulfillment of its responsibilities.*

1 **SEC. 1403. REPORT.**

2 *The Commission shall, not later than one year after*
3 *the date of its first meeting, submit to Congress, the Sec-*
4 *retary of Defense, and the Director of the Federal Emer-*
5 *gency Management Agency a report on the Commission's*
6 *findings and conclusions.*

7 **SEC. 1404. POWERS.**

8 (a) *HEARINGS.*—*The Commission or, at its direction,*
9 *any panel or member of the Commission, may, for the pur-*
10 *pose of carrying out the provisions of this title, hold hear-*
11 *ings, take testimony, receive evidence, and administer oaths*
12 *to the extent that the Commission or any panel or member*
13 *considers advisable.*

14 (b) *INFORMATION.*—*The Commission may secure di-*
15 *rectly from the Department of Defense, the Central Intel-*
16 *ligence Agency, and any other Federal department or agen-*
17 *cy information that the Commission considers necessary to*
18 *enable the Commission to carry out its responsibilities*
19 *under this title.*

20 **SEC. 1405. COMMISSION PROCEDURES.**

21 (a) *MEETINGS.*—*The Commission shall meet at the*
22 *call of the Chairman.*

23 (b) *QUORUM.*—(1) *Five members of the Commission*
24 *shall constitute a quorum other than for the purpose of hold-*
25 *ing hearings.*

1 (2) *The Commission shall act by resolution agreed to*
2 *by a majority of the members of the Commission.*

3 (c) *COMMISSION.—The Commission may establish*
4 *panels composed of less than full membership of the Com-*
5 *mission for the purpose of carrying out the Commission's*
6 *duties. The actions of each such panel shall be subject to*
7 *the review and control of the Commission. Any findings and*
8 *determinations made by such a panel shall not be consid-*
9 *ered the findings and determinations of the Commission un-*
10 *less approved by the Commission.*

11 (d) *AUTHORITY OF INDIVIDUALS TO ACT FOR COMMIS-*
12 *SION.—Any agent or member of the Commission may, if*
13 *authorized by the Commission, take any action which the*
14 *Commission is authorized to take under this title.*

15 **SEC. 1406. PERSONNEL MATTERS.**

16 (a) *PAY OF MEMBERS.—Members of the Commission*
17 *shall serve without pay by reason of their work on the Com-*
18 *mission.*

19 (b) *TRAVEL EXPENSES.—The members of the Commis-*
20 *sion shall be allowed travel expenses, including per diem*
21 *in lieu of subsistence, at rates authorized for employees of*
22 *agencies under subchapter I of chapter 57 of title 5, United*
23 *States Code, while away from their homes or regular places*
24 *of business in the performance of services for the Commis-*
25 *sion.*

1 (c) *STAFF.*—(1) *The chairman of the Commission*
2 *may, without regard to the provisions of title 5, United*
3 *States Code, governing appointments in the competitive*
4 *service, appoint a staff director and such additional per-*
5 *sonnel as may be necessary to enable the Commission to*
6 *perform its duties. The appointment of a staff director shall*
7 *be subject to the approval of the Commission.*

8 (2) *The chairman of the Commission may fix the pay*
9 *of the staff director and other personnel without regard to*
10 *the provisions of chapter 51 and subchapter III of chapter*
11 *53 of title 5, United States Code, relating to classification*
12 *of positions and General Schedule pay rates, except that*
13 *the rate of pay fixed under this paragraph for the staff di-*
14 *rector may not exceed the rate payable for level V of the*
15 *Executive Schedule under section 5316 of such title and the*
16 *rate of pay for other personnel may not exceed the max-*
17 *imum rate payable for grade GS-15 of the General Sched-*
18 *ule.*

19 (d) *DETAIL OF GOVERNMENT EMPLOYEES.*—*Upon re-*
20 *quest of the chairman of the Commission, the head of any*
21 *Federal department or agency may detail, on a non-*
22 *reimbursable basis, any personnel of that department or*
23 *agency to the Commission to assist it in carrying out its*
24 *duties.*

1 (e) *PROCUREMENT OF TEMPORARY AND INTERMIT-*
2 *TENT SERVICES.*—*The chairman of the Commission may*
3 *procure temporary and intermittent services under section*
4 *3109(b) of title 5, United States Code, at rates for individ-*
5 *uals which do not exceed the daily equivalent of the annual*
6 *rate of basic pay payable for level V of the Executive Sched-*
7 *ule under section 5316 of such title.*

8 **SEC. 1407. MISCELLANEOUS ADMINISTRATIVE PROVISIONS.**

9 (a) *POSTAL AND PRINTING SERVICES.*—*The Commis-*
10 *sion may use the United States mails and obtain printing*
11 *and binding services in the same manner and under the*
12 *same conditions as other departments and agencies of the*
13 *Federal Government.*

14 (b) *MISCELLANEOUS ADMINISTRATIVE AND SUPPORT*
15 *SERVICES.*—*The Secretary of Defense shall furnish the Com-*
16 *mission, on a reimbursable basis, any administrative and*
17 *support services requested by the Commission.*

18 **SEC. 1408. FUNDING.**

19 *Funds for activities of the Commission shall be pro-*
20 *vided from amounts appropriated for the Department of*
21 *Defense for operation and maintenance for Defense-wide ac-*
22 *tivities for fiscal year 2001. Upon receipt of a written cer-*
23 *tification from the Chairman of the Commission specifying*
24 *the funds required for the activities of the Commission, the*
25 *Secretary of Defense shall promptly disburse to the Commis-*

1 sion, from such amounts, the funds required by the Commis-
 2 sion as stated in such certification.

3 **SEC. 1409. TERMINATION OF THE COMMISSION.**

4 *The Commission shall terminate 60 days after the date*
 5 *of the submission of its report under section 1403.—*

6 **TITLE XV—PROVISIONS REGARD-**
 7 **ING VIEQUES ISLAND, PUER-**
 8 **TO RICO**

9 **SEC. 1501. CONDITIONS ON DISPOSAL OF NAVAL AMMUNI-**
 10 **TION SUPPORT DETACHMENT, VIEQUES IS-**
 11 **LAND.**

12 (a) *INCLUSION IN EXCESS PROPERTY REPORT.—The*
 13 *Secretary of the Navy may not include any portion of the*
 14 *Naval Ammunition Support detachment on the western end*
 15 *of Vieques Island, Puerto Rico, in a report of excess real*
 16 *property required to be prepared pursuant to section*
 17 *2662(a) of title 10, United States Code, unless and until*
 18 *the President certifies to the Congress that military train-*
 19 *ing operations on Vieques Island utilizing the full range*
 20 *of live ordnance in use prior to April 19, 1999, have been*
 21 *resumed without interference.*

22 (b) *MANAGEMENT AS CONSERVATION ZONE.—If, con-*
 23 *sistent with subsection (a), any portion of the Naval Ammu-*
 24 *nitition Support detachment on the western end of Vieques*
 25 *Island is declared to be excess to the needs of the Armed*

1 *Forces, any conveyance of the property covered by the dec-*
2 *laration shall be subject to the irrevocable condition that*
3 *the recipient of the property (and any successor in interest)*
4 *manage all lands included in the conveyance as a conserva-*
5 *tion zone.*

6 (c) *RETENTION OF RADAR AND TELECOMMUNICATIONS*
7 *FACILITIES.—The following real property within the Naval*
8 *Ammunition Support detachment on Vieques Island may*
9 *not be transferred or conveyed from the jurisdiction of the*
10 *Navy unless the transfer or conveyance is specifically au-*
11 *thorized by a law enacted after the date of the enactment*
12 *of this Act:*

13 (1) *The approximately 100 acres at the installa-*
14 *tion containing the Relocatable Over-The-Horizon*
15 *Radar and the Mt. Pirata telecommunications facili-*
16 *ties.*

17 (2) *Such other property at the installation that*
18 *the Secretary of the Navy designates as necessary to*
19 *provide access and utilities to the property described*
20 *in paragraph (1), to ensure the security of the prop-*
21 *erty, or to effectively maintain and operate the prop-*
22 *erty.*

1 **SEC. 1502. RETENTION OF EASTERN PORTION OF VIEQUES**
2 **ISLAND.**

3 *The Secretary of the Navy may not declare any lands*
4 *within the Eastern Maneuver Area or the Atlantic Fleet*
5 *Weapons Training Facility, including the Live Impact*
6 *Area, on Vieques Island, Puerto Rico, to be excess to the*
7 *needs of the Armed Forces, or transfer or convey any such*
8 *lands from the jurisdiction of the Navy.*

9 **SEC. 1503. LIMITATIONS ON MILITARY USE OF VIEQUES IS-**
10 **LAND.**

11 (a) *ADVANCE NOTICE OF MAJOR TRAINING.*—*Not less*
12 *than 15 days before the Armed Forces commences any major*
13 *training exercise on Vieques Island, Puerto Rico, the Sec-*
14 *retary of the Navy shall notify the Government of Puerto*
15 *Rico, through its Secretary of State, of the exercise in the*
16 *manner provided in the 1983 memorandum of under-*
17 *standing between the United States and the Government of*
18 *Puerto Rico. The Secretary of the Navy shall define what*
19 *constitutes a major training exercise for purposes of this*
20 *section.*

21 (b) *MAXIMUM TRAINING DAYS.*—*Armed Forces train-*
22 *ing on Vieques Island involving the use of explosive ord-*
23 *nance may not exceed 90 days per calendar year. An addi-*
24 *tional 90 days per calendar year of training may occur*
25 *if the training is limited to the use of nonexplosive ord-*
26 *nance, including spotting devices.*

1 (c) *SAFETY AND NOISE.*—(1) *The Secretary of the*
2 *Navy shall ensure that procedures are implemented for*
3 *Navy training on Vieques Island designed to ensure the*
4 *safety of civilians on the island.*

5 (2) *The Secretary of the Navy shall require that naval*
6 *vessels involved in such training be positioned in such a*
7 *manner so as to reduce noise levels in civilian areas of the*
8 *island whenever possible.*

9 (d) *ADVISORY COMMITTEE.*—(1) *The Secretary of the*
10 *Navy shall establish an advisory committee to review and*
11 *comment on the operations and policies relating to military*
12 *training activities on and around Vieques Island. The com-*
13 *mittee shall be advisory in nature and shall meet not less*
14 *than quarterly. Members of the advisory committee shall not*
15 *receive additional compensation on account of their service*
16 *on the committee.*

17 (2) *The Committee shall consist of three members ap-*
18 *pointed by the Governor of Puerto Rico, three members ap-*
19 *pointed by the Mayor of the Municipality of Vieques, and*
20 *three members appointed by the Secretary of the Navy. Not*
21 *less than two of the members shall be permanent residents*
22 *of Vieques Island and not less than two shall be commis-*
23 *sioned officers of the Navy or Marines Corps who have expe-*
24 *rience in combined training requirements.*

1 (3) *The committee shall be jointly chaired by one of*
2 *the members appointed by the Governor of Puerto Rico, to*
3 *be designated by the Governor, and one of the officers ap-*
4 *pointed by the Secretary of the Navy, to be designated by*
5 *the Secretary.*

6 (e) *NATIONAL SECURITY WAIVER.*—*The Secretary of*
7 *Defense may temporarily waive the applicability of sub-*
8 *section (a), (b), or (c) if the Secretary notifies Congress and*
9 *the Governor of Puerto Rico that compliance with the re-*
10 *quirements of such subsection would adversely affect na-*
11 *tional security. The Secretary shall include in the notifica-*
12 *tion an estimate of the duration of the waiver.*

13 **SEC. 1504. ECONOMIC ASSISTANCE FOR RESIDENTS OF**
14 **VIEQUES ISLAND.**

15 (a) *ASSISTANCE AUTHORIZED.*—*Subject to subsections*
16 *(b) and (c), of the amounts appropriated pursuant to the*
17 *2000 Emergency Supplemental Appropriations Act referred*
18 *to in section 1003, \$40,000,000 shall be available to the Sec-*
19 *retary of Defense to provide assistance to the residents of*
20 *Vieques Island, Puerto Rico, in such manner and for such*
21 *purposes as the Secretary considers appropriate.*

22 (b) *ASSISTANCE FOR CERTAIN PURPOSE PROHIB-*
23 *ITED.*—*Amounts available under subsection (a) may not be*
24 *used to conduct a referendum among the residents of*

1 *Vieques Island regarding the further use of the island for*
2 *military training programs.*

3 (c) *CONDITIONS ON AVAILABILITY OF ASSISTANCE.—*

4 *The amounts available under subsection (a) may not be*
5 *transferred, obligated, or expended unless and until the*
6 *President certifies to the Congress that military training*
7 *operations on Vieques Island utilizing the full range of live*
8 *ordnance in use prior to April 19, 1999, have been resumed*
9 *without interference.*

10 (d) *TRANSFER AUTHORITY.—The Secretary of Defense*
11 *may expend amounts available under subsection (a) di-*
12 *rectly or by appropriate transfer for the provision of assist-*
13 *ance to the residents of Vieques Island. The transfer author-*
14 *ity provided under this subsection is in addition to any*
15 *other transfer authority available to the Department of De-*
16 *fense.*

17 ***DIVISION B—MILITARY CON-***
18 ***STRUCTION AUTHORIZA-***
19 ***TIONS***

20 ***SEC. 2001. SHORT TITLE.***

21 *This division may be cited as the “Military Construc-*
22 *tion Authorization Act for Fiscal Year 2001”.*

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) *INSIDE THE UNITED STATES.*—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

<i>State</i>	<i>Installation or location</i>	<i>Amount</i>
<i>Alabama</i>	<i>Redstone Arsenal</i>	\$28,500,000
	<i>Fort Rucker</i>	\$5,600,000
<i>Alaska</i>	<i>Fort Richardson</i>	\$3,000,000
<i>Arizona</i>	<i>Fort Huachuca</i>	\$8,600,000
<i>Arkansas</i>	<i>Pine Bluff Arsenal</i>	\$2,750,000
<i>California</i>	<i>Fort Irwin</i>	\$31,000,000
	<i>Presidio, Monterey</i>	\$4,600,000
<i>Georgia</i>	<i>Fort Benning</i>	\$15,800,000
	<i>Fort Gordon</i>	\$2,600,000
<i>Hawaii</i>	<i>Wheeler Army Air Field</i>	\$43,800,000
<i>Kansas</i>	<i>Fort Riley</i>	\$5,600,000
<i>Maryland</i>	<i>Aberdeen Proving Ground</i>	\$8,900,000
<i>Missouri</i>	<i>Fort Leonard Wood</i>	\$65,400,000
<i>New Jersey</i>	<i>Picatinny Arsenal</i>	\$5,600,000
<i>New Mexico</i>	<i>White Sands Missile Range</i>	\$9,000,000
<i>New York</i>	<i>Fort Drum</i>	\$18,000,000
<i>North Carolina</i>	<i>Fort Bragg</i>	\$222,200,000
	<i>Sunny Point Army Terminal</i>	\$2,300,000
	<i>Columbus</i>	\$1,832,000
<i>Ohio</i>	<i>Carlisle Barracks</i>	\$10,500,000
	<i>New Cumberland Army Depot</i>	\$3,700,000
<i>Texas</i>	<i>Fort Bliss</i>	\$26,000,000
	<i>Fort Hood</i>	\$36,492,000
	<i>Red River Army Depot</i>	\$800,000
<i>Total:</i>		\$562,574,000

(b) *OUTSIDE THE UNITED STATES.*—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction

1 projects for the locations outside the United States, and in
 2 the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or location	Amount
<i>Germany</i>	<i>Area Support Group, Bamberg</i>	\$11,650,000
	<i>Area Support Group, Darmstadt</i>	\$11,300,000
	<i>Kaiserslautern</i>	\$3,400,000
	<i>Mannheim</i>	\$4,050,000
<i>Korea</i>	<i>Camp Carroll</i>	\$10,000,000
	<i>Camp Hovey</i>	\$4,200,000
	<i>Camp Humphreys</i>	\$14,200,000
	<i>Camp Page</i>	\$19,500,000
<i>Kwajalein</i>	<i>Kwajalein Atoll</i>	\$18,000,000
	<i>Total:</i>	\$96,300,000

3 (c) *UNSPECIFIED WORLDWIDE*.—Using amounts ap-
 4 propriated pursuant to the authorization of appropriations
 5 in section 2104(a)(3), the Secretary of the Army may ac-
 6 quire real property and carry out military construction
 7 projects for the installation and location, and in the
 8 amount, set forth in the following table:

Army: Unspecified Worldwide

Location	Installation	Amount
<i>Unspecified Worldwide</i>	<i>Classified Location</i>	\$11,500,000

9 **SEC. 2102. FAMILY HOUSING.**

10 (a) *CONSTRUCTION AND ACQUISITION*.—Using
 11 amounts appropriated pursuant to the authorization of ap-
 12 propriations in section 2104(a)(6)(A), the Secretary of the
 13 Army may construct or acquire family housing units (in-
 14 cluding land acquisition) at the installations, for the pur-
 15 poses, and in the amounts set forth in the following table:

1 *tary family housing functions of the Department of the*
2 *Army in the total amount of \$1,824,640,000, as follows:*

3 *(1) For military construction projects inside the*
4 *United States authorized by section 2101(a),*
5 *\$385,974,000.*

6 *(2) For military construction projects outside the*
7 *United States authorized by section 2101(b),*
8 *\$96,300,000.*

9 *(3) For military construction projects at unspec-*
10 *ified worldwide locations authorized by section*
11 *2101(c), \$11,500,000.*

12 *(4) For unspecified minor construction projects*
13 *authorized by section 2805 of title 10, United States*
14 *Code, \$17,000,000.*

15 *(5) For architectural and engineering services*
16 *and construction design under section 2807 of title*
17 *10, United States Code, \$105,861,000.*

18 *(6) For military family housing functions:*

19 *(A) For construction and acquisition, plan-*
20 *ning and design, and improvement of military*
21 *family housing and facilities, \$200,456,000.*

22 *(B) For support of military family housing*
23 *(including the functions described in section*
24 *2833 of title 10, United States Code),*
25 *\$971,704,000.*

1 (7) *For the construction of phase 1C of a bar-*
2 *racks complex, Infantry Drive, Fort Riley, Kansas,*
3 *authorized by section 2101(a) of the Military Con-*
4 *struction Act for Fiscal Year 1999 (division B of*
5 *Public Law 105–261; 112 Stat. 2182), \$10,000,000.*

6 (8) *For the construction of a railhead facility,*
7 *Fort Hood, Texas, authorized by section 2101(a) of*
8 *the Military Construction Authorization Act for Fis-*
9 *cal Year 1999 (112 Stat. 2182), as amended by sec-*
10 *tion 2105 of this Act, \$9,800,000.*

11 (9) *For the construction of a chemical defense*
12 *qualification facility, Pine Bluff Arsenal, Arkansas,*
13 *authorized by section 2101(a) of the Military Con-*
14 *struction Authorization Act for Fiscal Year 2000 (di-*
15 *vision B of Public Law 106–65; 113 Stat. 825),*
16 *\$92,000.*

17 (10) *For the construction of phase 1B of a bar-*
18 *racks complex, Wilson Street, Schofield Barracks, Ha-*
19 *waii, authorized by section 2101(a) of the Military*
20 *Construction Authorization Act for Fiscal Year 2000*
21 *(113 Stat. 825), \$22,400,000.*

22 (11) *For the construction of phase 2B of a bar-*
23 *racks complex, Tagaytay Street, Fort Bragg, North*
24 *Carolina, authorized by section 2101(a) of the Mili-*

1 *tary Construction Act for Fiscal Year 2000 (113 Stat.*
2 *825), \$3,108,000.*

3 *(12) For the construction of phase 2 of a tactical*
4 *equipment shop, Fort Sill, Oklahoma, authorized by*
5 *section 2101(a) of the Military Construction Act for*
6 *Fiscal Year 2000 (113 Stat. 825), \$10,991,000.*

7 *(b) LIMITATION ON TOTAL COST OF CONSTRUCTION*
8 *PROJECTS.—Notwithstanding the cost variations author-*
9 *ized by section 2853 of title 10, United States Code, and*
10 *any other cost variations authorized by law, the total cost*
11 *of all projects carried out under section 2101 of this Act*
12 *may not exceed—*

13 *(1) the total amount authorized to be appro-*
14 *priated under paragraphs (1) and (2) of subsection*
15 *(a);*

16 *(2) \$22,600,000 (the balance of the amount au-*
17 *thorized under section 2101(a) for the construction of*
18 *a Basic Training Complex at Fort Leonard Wood,*
19 *Missouri);*

20 *(3) \$10,000,000 (the balance of the amount au-*
21 *thorized under section 2101(a) for construction of a*
22 *Multipurpose Digital Training Range at Fort Hood,*
23 *Texas);*

24 *(4) \$34,000,000 (the balance of the amount au-*
25 *thorized under section 2101(a) for construction of a*

1 *barracks complex, Longstreet Road Phase I at Fort*
2 *Bragg, North Carolina);*

3 (5) \$104,000,000 *(the balance of the amount au-*
4 *thorized under section 2101(a) for the construction of*
5 *a barracks complex, Bunter Road Phase I at Fort*
6 *Bragg, North Carolina); and*

7 (6) \$6,000,000 *(the balance of the amount au-*
8 *thorized under section 2101(a) for the construction of*
9 *a battle simulation center at Fort Drum, New York).*

10 (c) *ADJUSTMENT.—The total amount authorized to be*
11 *appropriated pursuant to paragraphs (1) through (12) of*
12 *subsection (a) is the sum of the amounts authorized to be*
13 *appropriated in such paragraphs, reduced by—*

14 (1) \$635,000, *which represents the combination*
15 *of savings resulting from adjustments to foreign cur-*
16 *rency exchange rates for military construction outside*
17 *the United States; and*

18 (2) \$19,911,000 *which represents the combina-*
19 *tion of savings resulting from adjustments to foreign*
20 *currency exchange rates for military family housing*
21 *construction and military family housing support*
22 *outside the United States.*

1 **SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT**
2 **CERTAIN FISCAL YEAR 1999 PROJECT.**

3 (a) *MODIFICATION.*—*The table in section 2101 of the*
4 *Military Construction Authorization Act for Fiscal Year*
5 *1999 (division B of Public Law 105–261; 112 Stat. 2182)*
6 *is amended—*

7 (1) *in the item relating to Fort Hood, Texas, by*
8 *striking “\$32,500,000” in the amount column and in-*
9 *serting “\$45,300,000”; and*

10 (2) *by striking the amount identified as the total*
11 *in the amount column and inserting “\$781,581,000”.*

12 (b) *CONFORMING AMENDMENTS.*—*Section 2104(a) of*
13 *that Act (112 Stat. 2184) is amended—*

14 (1) *in the matter preceding paragraph (1), by*
15 *striking “\$2,098,713,000” and inserting*
16 *“\$2,111,513,000”; and*

17 (2) *in paragraph (1), by striking*
18 *“\$609,076,000” and inserting “\$622,581,000”.*

19 **TITLE XXII—NAVY**

20 **SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND**
21 **ACQUISITION PROJECTS.**

22 (a) *INSIDE THE UNITED STATES.*—*Using amounts ap-*
23 *propriated pursuant to the authorization of appropriations*
24 *in section 2204(a)(1), the Secretary of the Navy may ac-*
25 *quire real property and carry out military construction*

- 1 projects for the installations and locations inside the United
 2 States, and in the amounts, set forth in the following table:

Navy: Inside the United States

<i>State</i>	<i>Installation or location</i>	<i>Amount</i>
<i>Arizona</i>	<i>Marine Corps Air Station, Yuma</i>	\$8,200,000
	<i>Navy Detachment, Camp Navajo</i>	\$2,940,000
<i>California</i>	<i>Marine Corps Air-Ground Combat Center, Twentynine Palms</i>	\$23,870,000
	<i>Marine Corps Air Station, Miramar</i>	\$13,740,000
	<i>Marine Corps Base, Camp Pendleton</i>	\$8,100,000
	<i>Marine Corps Logistics Base, Barstow</i>	\$6,600,000
	<i>Naval Air Station, Lemoore</i>	\$10,760,000
	<i>Naval Air Warfare Center Weapons Divi- sion, Point Mugu</i>	\$12,600,000
	<i>Naval Aviation Depot, North Island</i>	\$4,340,000
	<i>Naval Facility, San Clemente Island</i>	\$8,860,000
	<i>Naval Postgraduate School, Monterey</i>	\$5,280,000
	<i>Naval Ship Weapons Systems Engineering Station, Port Hueneme</i>	\$10,200,000
	<i>Naval Station, San Diego</i>	\$53,200,000
<i>Connecticut</i>	<i>Naval Submarine Base, New London</i>	\$3,100,000
<i>CONUS Various</i>	<i>CONUS Various</i>	\$11,500,000
<i>District of Columbia</i>	<i>Marine Corps Barracks</i>	\$24,597,000
	<i>Naval District, Washington</i>	\$2,450,000
	<i>Naval Research Laboratory, Washington</i> ..	\$12,390,000
<i>Florida</i>	<i>Blount Island Command</i>	\$3,320,000
	<i>Naval Air Station, Jacksonville</i>	\$1,400,000
	<i>Naval Air Station, Whiting Field</i>	\$5,130,000
	<i>Naval Surface Warfare Center Wastal Sys- tems Station, Panama City</i>	\$1,000,000
	<i>Naval Station, Mayport</i>	\$6,830,000
	<i>Naval Surface Warfare Center Detachment, Ft. Lauderdale</i>	\$3,570,000
<i>Georgia</i>	<i>Marine Corps Logistics Base, Albany</i>	\$1,100,000
	<i>Navy Supply Corps School, Athens</i>	\$2,950,000
	<i>Trident Refit Facility, Kings Bay</i>	\$5,200,000
<i>Hawaii</i>	<i>Fleet Industrial Supply Center, Pearl Harbor</i>	\$12,000,000
	<i>Naval Undersea Weapons Station Detach- ment, Lualualei</i>	\$2,100,000
	<i>Marine Corps Air Station, Kaneohe</i>	\$18,400,000
	<i>Naval Station, Pearl Harbor</i>	\$30,700,000
<i>Illinois</i>	<i>Naval Training Center, Great Lakes</i>	\$124,800,000
<i>Indiana</i>	<i>Naval Surface Warfare Center, Crane</i>	\$8,460,000
<i>Maine</i>	<i>Naval Air Station, Brunswick</i>	\$2,450,000
	<i>Naval Shipyard, Portsmouth</i>	\$4,960,000
<i>Maryland</i>	<i>Naval Explosive Ordnance Disposal Tech- nology Center, Indian Head</i>	\$6,430,000
	<i>Naval Air Station, Patuxent River</i>	\$8,240,000
<i>Mississippi</i>	<i>Naval Air Station, Meridian</i>	\$4,700,000
<i>Nevada</i>	<i>Naval Air Station, Fallon</i>	\$6,280,000
<i>New Jersey</i>	<i>Naval Weapons Station, Earle</i>	\$2,420,000
<i>North Carolina</i>	<i>Marine Corps Air Station, Cherry Point</i> ..	\$8,480,000
	<i>Marine Corps Air Station, New River</i>	\$3,400,000
	<i>Marine Corps Base, Camp Lejeune</i>	\$45,870,000
	<i>Naval Aviation Depot, Cherry Point</i>	\$7,540,000
<i>Pennsylvania</i>	<i>Naval Surface Warfare Center Shipyard Systems Engineering Station, Philadel- phia</i>	\$10,680,000
<i>Rhode Island</i>	<i>Naval Undersea Warfare Center Division, Newport</i>	\$4,150,000
<i>South Carolina</i>	<i>Marine Corps Air Station, Beaufort</i>	\$3,140,000

Navy: Inside the United States—Continued

State	Installation or location	Amount
Texas	Marine Corps Recruit Depot, Parris Island	\$2,660,000
	Naval Air Station, Corpus Christi	\$4,850,000
	Naval Air Station, Kingsville	\$2,670,000
Virginia	Naval Station, Ingleside	\$2,420,000
	AEGIS Combat Systems Center, Wallops Island	\$3,300,000
	Marine Corps Combat Development Command, Quantico	\$8,590,000
	Naval Air Station, Norfolk	\$31,450,000
	Naval Air Station, Oceana	\$9,440,000
	Naval Amphibious Base, Little Creek	\$2,830,000
	Naval Shipyard, Norfolk, Portsmouth	\$16,100,000
	Naval Station, Norfolk	\$4,700,000
Washington	Naval Surface Warfare Center, Dahlgren ...	\$11,300,000
	Naval Shipyard, Bremerton, Puget Sound	\$100,670,000
	Strategic Weapons Facility Pacific, Bremerton	\$1,400,000
	<i>Total:</i>	\$770,807,000

1 (b) *OUTSIDE THE UNITED STATES.*—Using amounts
2 appropriated pursuant to the authorization of appropri-
3 ations in section 2204(a)(2), the Secretary of the Navy may
4 acquire real property and carry out military construction
5 projects for the locations outside the United States, and in
6 the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or location	Amount
Bahrain	Administrative Support Unit	\$19,400,000
Guam	Naval Activities	\$1,000,000
Italy	Naval Air Station, Sigonella	\$32,969,000
	Naval Support Activity, Naples	\$15,000,000
Various Locations	Host Nation Infrastructure Support	\$142,000
	<i>Total:</i>	\$68,511,000

7 SEC. 2202. FAMILY HOUSING.

8 (a) *CONSTRUCTION AND ACQUISITION.*—Using
9 amounts appropriated pursuant to the authorization of ap-
10 propriations in section 2204(a)(5)(A), the Secretary of the
11 Navy may construct or acquire family housing units (in-

1 cluding land acquisition) at the installations, for the pur-
 2 poses, and in the amounts set forth in the following table:

Navy: Family Housing

State	Installation or loca- tion	Purpose	Amount
California	Marine Corps Air- Ground Combat Cen- ter, Twentynine Palms	79 Units	\$13,923,000
	Naval Air Station, Lemoore	260 Units	\$47,871,000
Hawaii	Commander Naval Base, Pearl Harbor	112 Units	\$23,654,000
	Commander Naval Base, Pearl Harbor	62 Units	\$14,237,000
	Commander Naval Base, Pearl Harbor	98 Units	\$22,230,000
	Marine Corps Air Sta- tion, Kaneohe Bay	84 Units	\$21,910,000
Louisiana	Naval Air Station, New Orleans.	34 Units	\$5,000,000
Maine	Naval Air Station, Brunswick	168 Units	\$18,722,000
Mississippi	Naval Construction bat- talion Center, Gulfport.	157 Units	\$20,700,000
Washington	Naval Air Station, Whidbey Island	98 Units	\$16,873,000
	<i>Total:</i>		\$205,120,000

3 (b) **PLANNING AND DESIGN.**—Using amounts appro-
 4 priated pursuant to the authorization of appropriations in
 5 section 2204(a)(5)(A), the Secretary of the Navy may carry
 6 out architectural and engineering services and construction
 7 design activities with respect to the construction or im-
 8 provement of military family housing units in an amount
 9 not to exceed \$19,958,000.

10 **SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
 11 **UNITS.**

12 Subject to section 2825 of title 10, United States Code,
 13 and using amounts appropriated pursuant to the author-
 14 ization of appropriations in section 2204(a)(5)(A), the Sec-

1 *retary of the Navy may improve existing military family*
2 *housing units in an amount not to exceed \$192,147,000.*

3 **SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

4 *(a) IN GENERAL.—Funds are hereby authorized to be*
5 *appropriated for fiscal years beginning after September 30,*
6 *2000, for military construction, land acquisition, and mili-*
7 *tary family housing functions of the Department of the*
8 *Navy in the total amount of \$2,187,673,000, as follows:*

9 *(1) For military construction projects inside the*
10 *United States authorized by section 2201(a),*
11 *\$718,627,000.*

12 *(2) For military construction projects outside the*
13 *United States authorized by section 2201(b),*
14 *\$68,511,000.*

15 *(3) For unspecified minor construction projects*
16 *authorized by section 2805 of title 10, United States*
17 *Code, \$7,659,000.*

18 *(4) For architectural and engineering services*
19 *and construction design under section 2807 of title*
20 *10, United States Code, \$67,502,000.*

21 *(5) For military family housing functions:*

22 *(A) For construction and acquisition, plan-*
23 *ning and design, and improvement of military*
24 *family housing and facilities, \$417,225,000.*

1 (B) *For support of military housing (in-*
2 *cluding functions described in section 2833 of*
3 *title 10, United States Code), \$882,638,000.*

4 (6) *For construction of a berthing wharf at*
5 *Naval Air Station, North Island, California, author-*
6 *ized by section 2201(a) of the Military Construction*
7 *Authorization Act for Fiscal Year 2000 (division B of*
8 *Public Law 106-65; 113 Stat. 828), \$12,800,000.*

9 (7) *For construction of the Commander-in-Chief*
10 *Headquarters, Pacific Command, Camp H.M. Smith,*
11 *Hawaii, authorized by section 2201(a) of the Military*
12 *Construction Authorization Act for Fiscal Year 2000,*
13 *\$35,600,000.*

14 (b) *LIMITATION ON TOTAL COST OF CONSTRUCTION*
15 *PROJECTS.—Notwithstanding the cost variations author-*
16 *ized by section 2853 of title 10, United States Code, and*
17 *any other cost variation authorized by law, the total cost*
18 *of all projects carried out under section 2201 of this Act*
19 *may not exceed—*

20 (1) *the total amount authorized to be appro-*
21 *priated under paragraphs (1) and (2) of subsection*
22 *(a);*

23 (2) *\$17,500,000 (the balance of the amount au-*
24 *thorized under section 2201(a) for repair of a pier at*
25 *Naval Station, San Diego, California);*

1 (3) \$24,460,000 (the balance of the amount au-
2 thorized under section 2201(a) for replacement of a
3 pier at Naval Ship Yard, Bremerton, Puget Sound,
4 Washington); and

5 (4) \$10,280,000 (the balance of the amount au-
6 thorized under section 2201(a) for construction of an
7 industrial skills center at Naval Shipyard, Brem-
8 erton, Puget Sound, Washington).

9 (c) *ADJUSTMENTS.*—The total amount authorized to be
10 appropriated pursuant to paragraphs (1) through (7) of
11 subsection (a) is the sum of the amounts authorized to be
12 appropriated in such paragraphs, reduced by—

13 (1) \$2,889,000, which represents the combination
14 of savings resulting from adjustments to foreign cur-
15 rency exchange rates for military construction outside
16 the United States; and

17 (2) \$20,000,000, which represents the combina-
18 tion of project savings in military construction result-
19 ing from favorable bids, reduced overhead charges,
20 and cancellations due to force structure changes.

1 **SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT**
2 **FISCAL YEAR 1997 PROJECT AT MARINE**
3 **CORPS COMBAT DEVELOPMENT COMMAND,**
4 **QUANTICO, VIRGINIA.**

5 *The Secretary of the Navy may carry out a military*
6 *construction project involving infrastructure development*
7 *at the Marine Corps Combat Development Command,*
8 *Quantico, Virginia, in the amount of \$8,900,000, using*
9 *amounts appropriated pursuant to the authorization of ap-*
10 *propriations in section 2204(a)(1) of the Military Construc-*
11 *tion Authorization Act for Fiscal Year 1997 (division B*
12 *of Public Law 104–201; 110 Stat. 2769) for a military con-*
13 *struction project involving a sanitary landfill at that in-*
14 *stallation, as authorized by section 2201(a) of that Act (110*
15 *Stat. 2767).*

16 **TITLE XXIII—AIR FORCE**

17 **SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND**
18 **LAND ACQUISITION PROJECTS.**

19 *(a) INSIDE THE UNITED STATES.—Using amounts ap-*
20 *propriated pursuant to the authorization of appropriations*
21 *in section 2304(a)(1), the Secretary of the Air Force may*
22 *acquire real property and carry out military construction*
23 *projects for the installations and locations inside the United*
24 *States, and in the amounts, set forth in the following table:*

Air Force: Inside the United States

<i>State</i>	<i>Installation or location</i>	<i>Amount</i>
<i>Alabama</i>	<i>Maxwell Air Force Base</i>	\$3,825,000
<i>Alaska</i>	<i>Cape Romanzof</i>	\$3,900,000
	<i>Eielson Air Force Base</i>	\$15,990,000
	<i>Elmendorf Air Force Base</i>	\$27,520,000
<i>Arizona</i>	<i>Davis-Monthan Air Force Base</i>	\$7,900,000
<i>Arkansas</i>	<i>Little Rock Air Force Base</i>	\$18,319,000
<i>California</i>	<i>Beale Air Force Base</i>	\$10,100,000
	<i>Los Angeles Air Force Base</i>	\$6,580,000
	<i>Vandenberg Air Force Base</i>	\$4,650,000
<i>Colorado</i>	<i>Buckley Air National Guard Base</i>	\$2,750,000
	<i>Peterson Air Force Base</i>	\$15,570,000
	<i>Schriever Air Force Base</i>	\$8,450,000
	<i>United States Air Force Academy</i>	\$18,960,000
<i>CONUS Classified</i>	<i>Classified Location</i>	\$1,810,000
<i>District of Columbia</i>	<i>Bolling Air Force Base</i>	\$4,520,000
<i>Florida</i>	<i>Eglin Air Force Base</i>	\$8,940,000
	<i>Eglin Auxiliary Field 9</i>	\$7,960,000
	<i>Patrick Air Force Base</i>	\$12,970,000
	<i>Tyndall Air Force Base</i>	\$31,495,000
<i>Georgia</i>	<i>Fort Stewart/Hunter Army Air Field</i>	\$4,920,000
	<i>Moody Air Force Base</i>	\$2,500,000
	<i>Robins Air Force Base</i>	\$11,762,000
<i>Hawaii</i>	<i>Hickam Air Force Base</i>	\$4,620,000
<i>Idaho</i>	<i>Mountain Home Air Force Base</i>	\$10,125,000
<i>Illinois</i>	<i>Scott Air Force Base</i>	\$3,830,000
<i>Kansas</i>	<i>McConnell Air Force Base</i>	\$9,764,000
<i>Louisiana</i>	<i>Barksdale Air Force Base</i>	\$6,390,000
<i>Mississippi</i>	<i>Keesler Air Force Base</i>	\$15,040,000
<i>Missouri</i>	<i>Whiteman Air Force Base</i>	\$12,050,000
<i>Montana</i>	<i>Malmstrom Air Force Base</i>	\$5,300,000
<i>New Jersey</i>	<i>McGuire Air Force Base</i>	\$29,772,000
<i>North Carolina</i>	<i>Pope Air Force Base</i>	\$24,570,000
	<i>Seymour Johnson Air Force Base</i>	\$7,141,000
<i>North Dakota</i>	<i>Minot Air Force Base</i>	\$3,151,000
<i>Ohio</i>	<i>Wright-Patterson Air Force Base</i>	\$37,508,000
<i>Oklahoma</i>	<i>Altus Air Force Base</i>	\$2,939,000
	<i>Tinker Air Force Base</i>	\$26,895,000
<i>South Carolina</i>	<i>Charleston Air Force Base</i>	\$12,789,000
	<i>Shaw Air Force Base</i>	\$8,102,000
<i>Texas</i>	<i>Dyess Air Force Base</i>	\$19,523,000
	<i>Lackland Air Force Base</i>	\$10,330,000
	<i>Laughlin Air Force Base</i>	\$11,973,000
	<i>Sheppard Air Force Base</i>	\$6,450,000
<i>Utah</i>	<i>Hill Air Force Base</i>	\$28,050,000
<i>Virginia</i>	<i>Langley Air Force Base</i>	\$19,650,000
<i>Washington</i>	<i>Fairchild Air Force Base</i>	\$7,926,000
	<i>McChord Air Force Base</i>	\$10,250,000
<i>Wyoming</i>	<i>F.E. Warren Air Force Base</i>	\$25,720,000
	<i>Total:</i>	\$591,249,000

1 ***(b) OUTSIDE THE UNITED STATES.***—Using amounts
2 *appropriated pursuant to the authorization of appropri-*
3 *tions in section 2304(a)(2), the Secretary of the Air Force*
4 *may acquire real property and carry out military construc-*

1 tion projects for the installations and locations outside the
 2 United States, and in the amounts, set forth in the following
 3 table:

Air Force: Outside the United States

Country	Installation or location	Amount
<i>Diego Garcia</i>	<i>Diego Garcia</i>	\$5,475,000
<i>Italy</i>	<i>Aviano Air Base</i>	\$8,000,000
<i>Korea</i>	<i>Kunsan Air Base</i>	\$6,400,000
	<i>Osan Air Base</i>	\$21,948,000
<i>Spain</i>	<i>Naval Station, Rota</i>	\$5,052,000
<i>Turkey</i>	<i>Incirlik Air Base</i>	\$1,000,000
	<i>Total:</i>	\$47,875,000

4 **SEC. 2302. FAMILY HOUSING.**

5 (a) **CONSTRUCTION AND ACQUISITION.**—Using
 6 amounts appropriated pursuant to the authorization of ap-
 7 propriations in section 2304(a)(5)(A), the Secretary of the
 8 Air Force may construct or acquire family housing units
 9 (including land acquisition) at the installations, for the
 10 purposes, and in the amounts set forth in the following
 11 table:

Air Force: Family Housing

State	Installation or loca- tion	Purpose	Amount
<i>California</i>	<i>Edwards Air Force Base</i>	<i>57 Units</i>	\$9,870,000
	<i>Travis Air Force Base</i> ...	<i>64 Units</i>	\$9,870,000
<i>District of Columbia</i>	<i>Bolling Air Force Base</i>	<i>136 Units</i>	\$17,137,000
<i>Nevada</i>	<i>Nellis Air Force Base</i> ...	<i>26 Units</i>	\$5,000,000
<i>North Dakota</i>	<i>Cavalier Air Force Sta- tion</i>	<i>2 Units</i>	\$443,000
	<i>Minot Air Force Base</i> ...	<i>134 Units</i>	\$19,097,000
		<i>Total:</i>	\$61,417,000

12 (b) **PLANNING AND DESIGN.**—Using amounts appro-
 13 priated pursuant to the authorization of appropriations in
 14 section 2304(a)(5)(A), the Secretary of the Air Force may
 15 carry out architectural and engineering services and con-

1 *struction design activities with respect to the construction*
2 *or improvement of military family housing units in an*
3 *amount not to exceed \$12,760,000.*

4 **SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
5 **UNITS.**

6 *Subject to section 2825 of title 10, United States Code,*
7 *and using amounts appropriated pursuant to the author-*
8 *ization of appropriations in section 2304(a)(5)(A), the Sec-*
9 *retary of the Air Force may improve existing military fam-*
10 *ily housing units in an amount not to exceed \$174,046,000.*

11 **SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR**
12 **FORCE.**

13 *(a) IN GENERAL.—Funds are hereby authorized to be*
14 *appropriated for fiscal years beginning after September 30,*
15 *2000, for military construction, land acquisition, and mili-*
16 *tary family housing functions of the Department of the Air*
17 *Force in the total amount of \$1,766,136,000, as follows:*

18 *(1) For military construction projects inside the*
19 *United States authorized by section 2301(a),*
20 *\$589,199,000.*

21 *(2) For military construction projects outside the*
22 *United States authorized by section 2301(b),*
23 *\$47,875,000.*

1 (3) *For unspecified minor construction projects*
2 *authorized by section 2805 of title 10, United States*
3 *Code, \$9,850,000.*

4 (4) *For architectural and engineering services*
5 *and construction design under section 2807 of title*
6 *10, United States Code, \$56,949,000.*

7 (5) *For military housing functions:*

8 (A) *For construction and acquisition, plan-*
9 *ning and design, and improvement of military*
10 *family housing and facilities, \$248,223,000.*

11 (B) *For support of military family housing*
12 *(including functions described in section 2833 of*
13 *title 10, United States Code), \$826,271,000.*

14 (b) *LIMITATION ON TOTAL COST OF CONSTRUCTION*
15 *PROJECTS.—Notwithstanding the cost variations author-*
16 *ized by section 2853 of title 10, United States Code, and*
17 *any other cost variation authorized by law, the total cost*
18 *of all projects carried out under section 2301 of this Act*
19 *may not exceed—*

20 (1) *the total amount authorized to be appro-*
21 *priated under paragraphs (1) and (2) of subsection*
22 *(a); and*

23 (2) *\$9,400,000 (the balance of the amount au-*
24 *thorized under section 2301(c) for the construction of*

Defense Agencies: Inside the United States—Continued

Agency	Installation or location	Amount
<i>National Security Agency</i>	<i>Defense Fuel Support Point, Naval Air Station, Fallon, Nevada</i>	\$5,000,000
	<i>Defense Fuel Support Point, North Island, California</i>	\$5,900,000
	<i>Defense Fuel Support Point, Oceana Naval Air Station, Virginia</i>	\$2,000,000
	<i>Defense Fuel Support Point, Patuxent River, Maryland</i>	\$8,300,000
	<i>Defense Fuel Support Point, Twentynine Palms, California</i>	\$2,200,000
	<i>Defense Supply Center, Richmond, Virginia</i>	\$4,500,000
	<i>Fort Meade, Maryland</i>	\$4,228,000
	<i>Eglin Auxiliary Field 9, Florida</i>	\$26,523,000
	<i>Fleet Combat Training Center, Dam Neck, Virginia</i>	\$5,500,000
	<i>Fort Bragg, North Carolina</i>	\$8,600,000
	<i>Fort Campbell, Kentucky</i>	\$16,300,000
	<i>Kodiak, Alaska</i>	\$5,000,000
	<i>Naval Air Station, North Island, California</i>	\$1,350,000
	<i>Naval Air Station, Oceana, Virginia</i>	\$3,400,000
	<i>Naval Amphibious Base, Coronado, California</i>	\$4,300,000
	<i>Naval Amphibious Base, Little Creek, Virginia</i>	\$5,400,000
	<i>Pearl Harbor, Hawaii</i>	\$9,990,000
<i>TRICARE Management Activity</i>	<i>Edwards Air Force Base, California</i> ..	\$17,900,000
	<i>Marine Corps Base, Camp Pendleton, California</i>	\$14,150,000
	<i>Eglin Air Force Base, Florida</i>	\$37,600,000
	<i>Fort Drum, New York</i>	\$1,400,000
	<i>Patrick Air Force Base, Florida</i>	\$2,700,000
	<i>Tyndall Air Force Base, Florida</i>	\$7,700,000
	<i>Total:</i>	\$258,015,000

1 (b) *OUTSIDE THE UNITED STATES.*—Using amounts
2 appropriated pursuant to the authorization of appropri-
3 ations in section 2402(a)(2), the Secretary of Defense may
4 acquire real property and carry out military construction
5 projects for the installations and locations outside the
6 United States, and in the amounts, set forth in the following
7 table:

Defense Agencies: Outside the United States

Agency	Installation or location	Amount
<i>Defense Education Activity</i>	<i>Hanau, Germany</i>	\$1,026,000
	<i>Hohenfels, Germany</i>	\$13,774,000

1 2000, for military construction, land acquisition, and mili-
2 tary family housing functions of the Department of Defense
3 (other than the military departments), in the total amount
4 of \$2,034,759,000, as follows:

5 (1) For military construction projects inside the
6 United States authorized by section 2401(a),
7 \$262,415,000.

8 (2) For military construction projects outside the
9 United States authorized by section 2401(b),
10 \$155,714,000.

11 (3) For the military construction projects at un-
12 specified worldwide locations authorized by section
13 2401(c), \$85,095,000.

14 (4) For unspecified minor construction projects
15 under section 2805 of title 10, United States Code,
16 \$17,390,000.

17 (5) For contingency construction projects of the
18 Secretary of Defense under section 2804 of title 10,
19 United States Code, \$10,000,000.

20 (6) For architectural and engineering services
21 and construction design under section 2807 of title
22 10, United States Code, \$75,705,000.

23 (7) For base closure and realignment activities
24 as authorized by the Defense Base Closure and Re-

1 *alignment Act of 1990 (part A of title XXIX of Public*
2 *Law 101–510; 10 U.S.C. 2687 note), \$1,174,369,000.*

3 (8) *For military family housing functions, for*
4 *support of military housing (including functions de-*
5 *scribed in section 2833 of title 10, United States*
6 *Code), \$44,886,000 of which not more than*
7 *\$38,478,000 may be obligated or expended for the*
8 *leasing of military family housing units worldwide.*

9 (9) *For the construction of an ammunition de-*
10 *militarization facility, Pine Bluff Arsenal, Arkansas,*
11 *authorized by section 2401(a) of the Military Con-*
12 *struction Authorization Act for Fiscal Year 1995 (di-*
13 *vision B of Public Law 103–337; 108 Stat. 3040), as*
14 *amended by section 2407 of the Military Construction*
15 *Authorization Act for Fiscal Year 1996 (division B of*
16 *Public Law 104–106; 110 Stat. 539), section 2408 of*
17 *the Military Construction Authorization Act for Fis-*
18 *cal Year 1998 (division B of Public Law 105–85; 111*
19 *Stat. 1982), and section 2406 of the Military Con-*
20 *struction Authorization Act for Fiscal Year 1999 (di-*
21 *vision B of Public Law 105–261; 112 Stat. 2197),*
22 *\$43,600,000.*

23 (10) *For the construction of phase 6 of an am-*
24 *munition demilitarization facility, Umatilla Army*
25 *Depot, Oregon, authorized by section 2401(a) of the*

1 *Military Construction Authorization Act for Fiscal*
2 *Year 1995, as amended by section 2407 of the Mili-*
3 *tary Construction Authorization Act for Fiscal Year*
4 *1996, section 2408 of the Military Construction Au-*
5 *thorization Act for Fiscal Year 1998, and section*
6 *2406 of the Military Construction Authorization Act*
7 *for Fiscal Year 1999, \$9,400,000.*

8 (11) *For the construction of phase 2 of an am-*
9 *munition demilitarization facility, Pueblo Army*
10 *Depot, Colorado, authorized by section 2401(a) of the*
11 *Military Construction Authorization Act for Fiscal*
12 *Year 1997 (division B of Public Law 104–201; 110*
13 *Stat. 2775), as amended by section 2406 of the Mili-*
14 *tary Construction Authorization Act for Fiscal Year*
15 *2000 (division B of Public Law 106–65; 113 Stat.*
16 *839), \$10,700,000.*

17 (12) *For the construction of phase 3 of an am-*
18 *munition demilitarization facility, Newport Army*
19 *Depot, Indiana, authorized by section 2401(a) of the*
20 *Military Construction Authorization Act for Fiscal*
21 *Year 1999 (division B of Public Law 105–261; 112*
22 *Stat. 2193), \$54,400,000.*

23 (13) *For the construction of phase 3 of an am-*
24 *munition demilitarization facility, Aberdeen Proving*
25 *Ground, Maryland, authorized by section 2401(a) of*

1 *the Military Construction Authorization Act for Fis-*
2 *cal Year 1999 (112 Stat. 2193), \$45,700,000.*

3 *(14) For construction of a replacement hospital*
4 *at Fort Wainwright, Alaska, authorized by section*
5 *2401(a) of the Military Construction Authorization*
6 *Act for Fiscal Year 2000 (division B of Public Law*
7 *106-65; 113 Stat. 836), \$44,000,000.*

8 *(15) For the construction of the Ammunition De-*
9 *militarization Support Phase 2, Blue Grass Army*
10 *Depot, Kentucky, authorized in section 2401(a) the*
11 *Military Construction Act for Fiscal Year 2000 (113*
12 *Stat. 836), \$8,500,000.*

13 *(b) LIMITATION OF TOTAL COST OF CONSTRUCTION*
14 *PROJECTS.—Notwithstanding the cost variation authorized*
15 *by section 2853 of title 10, United States Code, and any*
16 *other cost variations authorized by law, the total cost of*
17 *all projects carried out under section 2401 of this Act may*
18 *not exceed—*

19 *(1) the total amount authorized to be appro-*
20 *priated under paragraphs (1) and (2) of subsection*
21 *(a); and*

22 *(2) \$366,040,000 (the balance of the amount au-*
23 *thorized under section 2401(c) for construction of Na-*
24 *tional Missile Defense initial deployment facilities,*
25 *unspecified worldwide locations).*

1 10, United States Code, for the share of the United States
2 of the cost of projects for the North Atlantic Treaty Organi-
3 zation Security Investment program authorized by section
4 2501, in the amount of \$177,500,000.

5 **TITLE XXVI—GUARD AND**
6 **RESERVE FACILITIES**

7 **SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUC-**
8 **TION AND LAND ACQUISITION PROJECTS.**

9 *There are authorized to be appropriated for fiscal*
10 *years beginning after September 30, 2000, for the costs of*
11 *acquisition, architectural and engineering services, and*
12 *construction of facilities for the Guard and Reserve Forces,*
13 *and for contributions therefor, under chapter 1803 of title*
14 *10, United States Code (including the cost of acquisition*
15 *of land for those facilities), the following amounts:*

16 (1) *For the Department of the Army—*

17 (A) *for the Army National Guard of the*
18 *United States, \$129,139,000; and*

19 (B) *for the Army Reserve, \$104,854,000.*

20 (2) *For the Department of the Navy, for the*
21 *Naval and Marine Corps Reserve, \$56,574,000.*

22 (3) *For the Department of the Air Force—*

23 (A) *for the Air National Guard of the*
24 *United States, \$110,885,000; and*

25 (B) *for the Air Force Reserve, \$41,748,000.*

1 **TITLE XXVII—EXPIRATION AND**
2 **EXTENSION OF AUTHORIZA-**
3 **TIONS**

4 **SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND**
5 **AMOUNTS REQUIRED TO BE SPECIFIED BY**
6 **LAW.**

7 (a) *EXPIRATION OF AUTHORIZATIONS AFTER THREE*
8 *YEARS.*—*Except as provided in subsection (b), all author-*
9 *izations contained in titles XXI through XXVI for military*
10 *construction projects, land acquisition, family housing*
11 *projects and facilities, and contributions to the North At-*
12 *lantic Treaty Organization Security Investment program*
13 *(and authorizations of appropriations therefor) shall expire*
14 *on the later of—*

15 (1) *October 1, 2003; or*

16 (2) *the date of the enactment of an Act author-*
17 *izing funds for military construction for fiscal year*
18 *2004.*

19 (b) *EXCEPTION.*—*Subsection (a) shall not apply to au-*
20 *thorizations for military construction projects, land acqui-*
21 *sition, family housing projects and facilities, and contribu-*
22 *tions to the North Atlantic Treaty Organization Security*
23 *Investment program (and authorizations of appropriations*
24 *therefor) for which appropriated funds have been obligated*
25 *before the later of—*

1 (1) *October 1, 2003; or*

2 (2) *the date of the enactment of an Act author-*
 3 *izing funds for fiscal year 2004 for military construc-*
 4 *tion projects, land acquisition, family housing*
 5 *projects and facilities, or contributions to the North*
 6 *Atlantic Treaty Organization Security Investment*
 7 *program.*

8 **SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
 9 **FISCAL YEAR 1998 PROJECTS.**

10 (a) *EXTENSION.*—*Notwithstanding section 2701 of the*
 11 *Military Construction Authorization Act for Fiscal Year*
 12 *1998 (division B of Public Law 105–85; 111 Stat. 1984),*
 13 *authorizations set forth in the tables in subsection (b), as*
 14 *provided in section 2102, 2202, or 2302 of that Act, shall*
 15 *remain in effect until October 1, 2001, or the date of the*
 16 *enactment of an Act authorizing funds for military con-*
 17 *struction for fiscal year 2002, whichever is later.*

18 (b) *TABLES.*—*The tables referred to in subsection (a)*
 19 *are as follows:*

Army: Extension of 1998 Project Authorizations

<i>State</i>	<i>Installation or loca- tion</i>	<i>Project</i>	<i>Amount</i>
<i>Maryland</i>	<i>Fort Meade</i>	<i>Family Housing Construction (56 units)</i>	<i>\$7,900,000</i>
<i>Texas</i>	<i>Fort Hood</i>	<i>Family Housing Construction (130 units) ...</i>	<i>\$18,800,000</i>

Navy: Extension of 1998 Project Authorizations

State	Installation or location	Project	Amount
California	Naval Complex, San Diego	Replacement Family Housing Construction (94 units)	\$13,500,000
California	Marine Corps Air Station, Miramar	Family Housing Construction (166 units) ...	\$28,881,000
California	Marine Corps Air-Ground Combat Center, Twentynine Palms	Replacement Family Housing Construction (132 units)	\$23,891,000
Louisiana	Naval Complex, New Orleans	Replacement Family Housing Construction (100 units)	\$11,930,000
Texas	Naval Air Station, Corpus Christi	Family Housing Construction (212 units) ...	\$22,250,000
Washington	Naval Air Station, Whidbey Island	Replacement Family Housing Construction (102 units)	\$16,000,000

Air Force: Extension of 1998 Project Authorizations

State	Installation or location	Project	Amount
Georgia	Robins Air Force Base ..	Replace Family Housing (60 units)	\$6,800,000
Idaho	Mountain Home Air Force Base	Replace Family Housing (60 units)	\$11,032,000
New Mexico	Kirtland Air Force Base	Replace Family Housing (180 units)	\$20,900,000
Texas	Dyess Air Force Base	Construct Family Housing (70 units)	\$10,503,000

1 **SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
 2 **FISCAL YEAR 1997 PROJECTS.**

3 (a) *EXTENSION.*—Notwithstanding section 2701 of the
 4 *Military Construction Authorization Act for Fiscal Year*
 5 *1997 (division B of Public Law 104–201; 110 Stat. 2782),*
 6 *authorizations set forth in the table in subsection (b), as*
 7 *provided in section 2201 or 2202 of that Act and extended*
 8 *by section 2702 of the Military Construction Authorization*
 9 *Act for Fiscal Year 2000 (division B of Public Law 106–*
 10 *65; 113 Stat. 842), shall remain in effect until October 1,*
 11 *2001, or the date of the enactment of an Act authorizing*
 12 *funds for military construction for fiscal year 2002, which-*
 13 *ever is later.*

14 (b) *TABLE.*—The table referred to in subsection (a) is
 15 *as follows:*

Navy: Extension of 1997 Project Authorizations

<i>State</i>	<i>Installation or loca- tion</i>	<i>Project</i>	<i>Amount</i>
<i>Florida</i>	<i>Navy Station, Mayport</i>	<i>Family Housing Construction (100 units) ...</i>	<i>\$10,000,000</i>
<i>North Carolina</i>	<i>Marine Corps Base, Camp Lejuene</i>	<i>Family Housing Construction (94 units)</i>	<i>\$10,110,000</i>
<i>South Carolina</i>	<i>Marine Corps Air Sta- tion, Beaufort</i>	<i>Family Housing Construction (140 units) ...</i>	<i>\$14,000,000</i>
<i>Texas</i>	<i>Naval Complex, Corpus Christi</i>	<i>Family Housing Replacement (104 units) ...</i>	<i>\$11,675,000</i>
	<i>Naval Air Station, Kingsville</i>	<i>Family Housing Replacement (48 units)</i>	<i>\$7,550,000</i>
<i>Virginia</i>	<i>Marine Corps Combat Development Com- mand, Quantico</i>	<i>Infrastructure Development</i>	<i>\$8,900,000</i>

Navy: Extension of 1997 Project Authorizations—Continued

<i>State</i>	<i>Installation or location</i>	<i>Project</i>	<i>Amount</i>
<i>Washington</i>	<i>Naval Station, Everett ..</i>	<i>Family Housing Construction (100 units) ...</i>	<i>\$15,015,000</i>

1 **SEC. 2704. EFFECTIVE DATE.**

2 *Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI shall*
3 *take effect on the later of—*

4 *(1) October 1, 2000; or*

5 *(2) the date of the enactment of this Act.*

6 **TITLE XXVIII—GENERAL**
7 **PROVISIONS**

8 **Subtitle A—Military Construction**
9 **Program and Military Family**
10 **Housing Changes**

11 **SEC. 2801. REVISION OF LIMITATIONS ON SPACE BY PAY**
12 **GRADE.**

13 *Section 2826 of title 10, United States Code, is amend-*
14 *ed to read as follows:*

15 **“§ 2826. Limitations on space by pay grade**

16 *“In the construction, acquisition, and improvement of*
17 *military family housing units, the Secretary concerned*
18 *shall ensure that the room patterns and floor areas are gen-*
19 *erally comparable to the room patterns and floor areas of*
20 *similar housing units in the locality concerned.”.*

1 **SEC. 2802. LEASING OF MILITARY FAMILY HOUSING,**
2 **UNITED STATES SOUTHERN COMMAND,**
3 **MIAMI, FLORIDA.**

4 (a) *FIVE-YEAR LEASE; PAYMENT SOURCE.*—Sub-
5 section (b)(4) of section 2828 of title 10, United States Code,
6 is amended—

7 (1) by striking “and no lease on any individual
8 housing unit may exceed \$60,000 per year” and in-
9 serting “and the lease payments shall be made out of
10 annual appropriations for that year”; and

11 (2) by adding at the end the following new sen-
12 tence: “A lease under this paragraph may not exceed
13 five years.”.

14 (b) *HOUSING ADJUSTMENT.*—Such subsection is fur-
15 ther amended—

16 (1) by inserting “(A)” after “(4)”; and

17 (2) by adding at the end the following new sub-
18 paragraph:

19 “(B) At the beginning of each fiscal year, the Secretary
20 of the Army shall adjust the maximum amount provided
21 for leases under subparagraph (A) for the previous fiscal
22 year by the percentage (if any) by which the basic allowance
23 for housing under section 403 of title 37 for the Miami met-
24 ropolitan area during the preceding fiscal year exceeded
25 such basic allowance for housing for the second preceding
26 fiscal year.”.

1 (c) *CONFORMING AMENDMENT.*—Subsection (b)(5) of
2 such section is amended by striking “paragraphs (2), (3),
3 and (4)” and inserting “paragraphs (2) and (3)”.

4 **SEC. 2803. EXTENSION OF ALTERNATIVE AUTHORITY FOR**
5 **ACQUISITION AND IMPROVEMENT OF MILI-**
6 **TARY HOUSING.**

7 Section 2885 of title 10, United States Code, is amend-
8 ed by striking “2001” and inserting “2006”.

9 **SEC. 2804. EXPANSION OF DEFINITION OF ARMORY TO IN-**
10 **CLUDE READINESS CENTERS.**

11 (a) *DEFINITION.*—Section 18232(3) of title 10, United
12 States Code, is amended by striking “The term ‘armory’
13 means” and inserting “The terms ‘armory’ and ‘readiness
14 center’ mean.

15 (b) *CONFORMING AMENDMENTS.*—(1) Section
16 18232(2) of such title is amended by striking “armory or
17 other structure” and inserting “armory, readiness center,
18 or other structure”.

19 (2) Section 18236(b) of such title by inserting “or
20 readiness center” after “armory”.

1 ***Subtitle B—Real Property and***
2 ***Facilities Administration***

3 ***SEC. 2811. INCREASE IN THRESHOLD FOR NOTICE AND***
4 ***WAIT REQUIREMENTS FOR REAL PROPERTY***
5 ***TRANSACTIONS.***

6 *(a) INCREASED THRESHOLD.—Section 2662 of title*
7 *10, United States Code, is amended by striking “\$200,000”*
8 *each place it appears and inserting thereof “\$500,000”.*

9 *(b) REFERENCE TO SIMPLIFIED ACQUISITION*
10 *THRESHOLD.—Subsection (b) of such section is amended by*
11 *striking “under section 2304(g) of this title” and inserting*
12 *“specified in section 4(11) of the Office of Federal Procure-*
13 *ment Policy Act (41 U.S.C. 403(11)),”.*

14 ***SEC. 2812. ENHANCEMENT OF AUTHORITY OF MILITARY DE-***
15 ***PARTMENTS TO LEASE NON-EXCESS PROP-***
16 ***ERTY.***

17 *(a) PROPERTY AVAILABLE FOR LEASE.—Subsection*
18 *(a) of section 2667 of title 10, United States Code, is*
19 *amended—*

20 *(1) by inserting “and” at the end of paragraph*
21 *(1);*

22 *(2) by striking paragraph (2); and*

23 *(3) by redesignating paragraph (3) as para-*
24 *graph (2).*

1 **(b) ACCEPTANCE OF IN-KIND CONSIDERATION.**—*Such*
2 *section is further amended—*

3 **(1) in subsection (b)(5)—**

4 **(A) by striking** “*improvement, mainte-*
5 *nance, protection, repair, or restoration,*” *and*
6 *inserting* “*alteration, repair, or improvement,*”;
7 *and*

8 **(B) by striking** “*, or of the entire unit or*
9 *installation where a substantial part of it is*
10 *leased,*”;

11 **(2) by transferring subsection (c) to the end of**
12 *the section and redesignating such subsection, as so*
13 *transferred, as subsection (i);*

14 **(3) by inserting after subsection (b) the following**
15 *new subsection (c):*

16 “*(c)(1) In addition to any in-kind consideration ac-*
17 *cepted under subsection (b)(5), in-kind consideration ac-*
18 *cepted with respect to a lease under this section may include*
19 *the following:*

20 “*(A) Maintenance, protection, alteration, repair,*
21 *improvement, or restoration (including environmental*
22 *restoration) of property or facilities under the control*
23 *of the Secretary concerned.*

24 “*(B) Provision of facilities for use by the Sec-*
25 *retary concerned.*

1 “(C) *Facilities operation support for the Sec-*
2 *retary concerned.*”

3 “(D) *Provision of such other services relating to*
4 *activities that will occur on the leased property as the*
5 *Secretary concerned considers appropriate.*”

6 “(2) *In-kind consideration under paragraph (1) may*
7 *be accepted at any property or facilities under the control*
8 *of the Secretary concerned that are selected for that purpose*
9 *by the Secretary concerned.*”

10 “(3) *The Secretary concerned may not accept in-kind*
11 *consideration during a fiscal year with respect to leases*
12 *under this section until the Comptroller General certifies*
13 *to the Secretary concerned that the total received by the Sec-*
14 *retary concerned as money rentals for that fiscal year under*
15 *such leases is equal to the total money rentals under such*
16 *leases received by the Secretary concerned during fiscal year*
17 *2000.*”

18 “(4) *In the case of a lease for which all or part of*
19 *the consideration proposed to be accepted by the Secretary*
20 *concerned under this subsection is in-kind consideration*
21 *with a value in excess of \$500,000, the Secretary concerned*
22 *may not enter into the lease until 30 days after the date*
23 *on which a report on the facts of the lease is submitted to*
24 *the congressional defense committees.”; and*

25 (4) *in subsection (f)—*

1 (A) by striking paragraph (4); and
2 (B) by redesignating paragraph (5) as
3 paragraph (4).

4 (c) *USE OF CASH PROCEEDS AND CONGRESSIONAL*
5 *NOTIFICATION.*—Subsection (d) of such section is
6 amended—

7 (1) in paragraph (1), by striking subparagraph
8 (B) and inserting the following new subparagraphs:

9 “(B) Subject to subparagraphs (C) and (D), the
10 amounts deposited in the special account of a military de-
11 partment pursuant to subparagraph (A) shall be available
12 to the Secretary of that military department, in such
13 amounts as provided in appropriation Acts, for the fol-
14 lowing:

15 “(i) Maintenance, protection, alteration, repair,
16 improvement, or restoration (including environmental
17 restoration) of property or facilities.

18 “(ii) Lease of facilities.

19 “(iii) Facilities operation support.

20 “(C) At least 50 percent of the amounts deposited in
21 the special account of a military department under sub-
22 paragraph (A) by reason of a lease shall be available for
23 activities described in subparagraph (B) only at the mili-
24 tary installation where the leased property is located.

1 “(D) *The Secretary concerned may not expend under*
2 *subparagraph (B) an amount in excess of \$500,000 at a*
3 *single installation until 30 days after the date on which*
4 *a report on the facts of the proposed expenditure is sub-*
5 *mitted to the congressional defense committees.”; and*

6 (2) *in paragraph (3)—*

7 (A) *in the matter preceding subparagraph*
8 *(A), by striking “As part” and all that follows*
9 *through “Secretary of Defense” and inserting*
10 *“Not later than March 15 each year, the Sec-*
11 *retary of Defense shall submit to the congres-*
12 *sional defense committees a report which”;* and

13 (B) *in subparagraph (A), by striking “re-*
14 *quest” and inserting “report”.*

15 (e) *DEFINITIONS.—Subsection (h) of such section is*
16 *amended to read as follows:*

17 “(h) *In this section:*

18 “(1) *The term ‘congressional defense committees’*
19 *means:*

20 “(A) *The Committee on Armed Services and*
21 *the Committee on Appropriations of the Senate.*

22 “(B) *The Committee on Armed Services and*
23 *the Committee on Appropriations of the House of*
24 *Representatives.*

1 “(2) *The term ‘base closure law’ means the fol-*
2 *lowing:*

3 “(A) *Section 2687 of this title.*

4 “(B) *The Defense Base Closure and Re-*
5 *alignment Act of 1990 (part A of title XXIX of*
6 *Public Law 101–510; 10 U.S.C. 2687 note).*

7 “(C) *Title II of the Defense Authorization*
8 *Amendments and Base Closure and Realignment*
9 *Act (Public Law 100–526; 10 U.S.C. 2687 note).*

10 “(3) *The term ‘military installation’ has the*
11 *meaning given such term in section 2687(e)(1) of this*
12 *title.’’.*

13 **SEC. 2813. CONVEYANCE AUTHORITY REGARDING UTILITY**
14 **SYSTEMS OF MILITARY DEPARTMENTS.**

15 *Subsection (b) of section 2688 of title 10, United States*
16 *Code, is amended to read as follows:*

17 “(b) *SELECTION OF CONVEYEE OR AWARDEE.—(1)*
18 *The Secretary concerned shall comply with the competition*
19 *requirements of section 2304 of this title in conveying a*
20 *utility system under this section and in awarding any util-*
21 *ity services contract related to the conveyance of the utility*
22 *system.*

23 “(2) *A conveyance or award may be made under para-*
24 *graph (1) only if the Secretary concerned determines that*
25 *the conveyance or award complies with State laws, regula-*

1 *tions, rulings, and policies governing the provision of util-*
2 *ity services. Such State laws, regulations, rulings, and poli-*
3 *cies shall apply to the conveyee or awardee notwithstanding*
4 *the existence of exclusive federal legislative jurisdiction as*
5 *to any parcels of land served by the utility system.”.*

6 **Subtitle C—Land Conveyances**

7 **PART I—ARMY CONVEYANCES**

8 **SEC. 2831. TRANSFER OF JURISDICTION, ROCK ISLAND AR-** 9 **SENAL, ILLINOIS.**

10 (a) *TRANSFER AUTHORIZED.*—*The Secretary of the*
11 *Army may transfer, without reimbursement, to the admin-*
12 *istrative jurisdiction of the Secretary of Veterans Affairs*
13 *a parcel of real property, including any improvements*
14 *thereon, consisting of approximately 23 acres and com-*
15 *prising a portion of the Rock Island Arsenal, Illinois.*

16 (b) *USE OF LAND.*—*The Secretary of Veterans Affairs*
17 *shall include the real property transferred under subsection*
18 *(a) in the Rock Island National Cemetery and use the*
19 *transferred property as a national cemetery under chapter*
20 *24 of title 38, United States Code.*

21 (c) *LEGAL DESCRIPTION.*—*The exact acreage and legal*
22 *description of the real property to be transferred under this*
23 *section shall be determined by a survey satisfactory to the*
24 *Secretary of the Army. The cost of the survey shall be borne*
25 *by the Secretary of Veterans Affairs.*

1 (d) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*
2 *retary of the Army may require such additional terms and*
3 *conditions in connection with the transfer under this section*
4 *as the Secretary of the Army considers appropriate to pro-*
5 *tect the interests of the United States.*

6 **SEC. 2832. LAND CONVEYANCE, ARMY RESERVE CENTER,**
7 **GALESBURG, ILLINOIS.**

8 (a) *CONVEYANCE AUTHORIZED.*—*The Secretary of the*
9 *Army may convey, without consideration, to Knox County,*
10 *Illinois (in this section referred to as the “County”), all*
11 *right, title, and interest of the United States in and to a*
12 *parcel of real property, including improvements thereon, in*
13 *Galesburg, Illinois, consisting of approximately 4.65 acres*
14 *and containing an Army Reserve Center for the purpose*
15 *of permitting the County to use the parcel for municipal*
16 *office space.*

17 (b) *DESCRIPTION OF PROPERTY.*—*The exact acreage*
18 *and legal description of the real property to be conveyed*
19 *under subsection (a) shall be determined by a survey satis-*
20 *factory to the Secretary. The cost of the survey shall be borne*
21 *by the County.*

22 (c) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*
23 *retary may require such additional terms and conditions*
24 *in connection with the conveyance under subsection (a) as*

1 *the Secretary considers appropriate to protect the interests*
2 *of the United States.*

3 **SEC. 2833. LAND CONVEYANCE, ARMY RESERVE CENTER, WI-**
4 **NONA, MINNESOTA.**

5 (a) *CONVEYANCE AUTHORIZED.*—*The Secretary of the*
6 *Army may convey, without consideration, to the Winona*
7 *State University Foundation of Winona, Minnesota (in this*
8 *section referred to as the “Foundation”), all right, title, and*
9 *interest of the United States in and to a parcel of real prop-*
10 *erty, including improvements thereon, in Winona, Min-*
11 *nesota, containing an Army Reserve Center for the purpose*
12 *of permitting the Foundation to use the parcel for edu-*
13 *cational purposes.*

14 (b) *DESCRIPTION OF PROPERTY.*—*The exact acreage*
15 *and legal description of the real property to be conveyed*
16 *under subsection (a) shall be determined by a survey satis-*
17 *factory to the Secretary. The cost of the survey shall be borne*
18 *by the Foundation.*

19 (c) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*
20 *retary may require such additional terms and conditions*
21 *in connection with the conveyance under subsection (a) as*
22 *the Secretary considers appropriate to protect the interests*
23 *of the United States.*

1 **SEC. 2834. LAND CONVEYANCE, FORT POLK, LOUISIANA.**

2 (a) *CONVEYANCE AUTHORIZED.*—*The Secretary of the*
3 *Army may convey, without consideration, to the State of*
4 *Louisiana (in this section referred to as the “State”), all*
5 *right, title, and interest of the United States in and to a*
6 *parcel of real property, including improvements thereon,*
7 *consisting of approximately 200 acres at Fort Polk, Lou-*
8 *isiana, for the purpose of permitting the State to establish*
9 *a State-run cemetery for veterans.*

10 (b) *DESCRIPTION OF PROPERTY.*—*The exact acreage*
11 *and legal description of the real property to be conveyed*
12 *under subsection (a) shall be determined by a survey satis-*
13 *factory to the Secretary. The cost of the survey shall be borne*
14 *by the State.*

15 (c) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*
16 *retary may require such additional terms and conditions*
17 *in connection with the conveyance under subsection (a) as*
18 *the Secretary considers appropriate to protect the interests*
19 *of the United States.*

20 **SEC. 2835. LAND CONVEYANCE, FORT PICKETT, VIRGINIA.**

21 (a) *CONVEYANCE AUTHORIZED.*—*The Secretary of the*
22 *Army may convey, without consideration, to the Common-*
23 *wealth of Virginia (in this section referred to as the “Com-*
24 *monwealth”), all right, title, and interest of the United*
25 *States in and to a parcel of real property, including im-*
26 *provements thereon, consisting of approximately 700 acres*

1 *at Fort Pickett, Virginia, for the purpose of permitting the*
2 *Commonwealth to develop and operate a public safety*
3 *training facility.*

4 (b) *DESCRIPTION OF PROPERTY.*—*The exact acreage*
5 *and legal description of the real property to be conveyed*
6 *under subsection (a) shall be determined by a survey satis-*
7 *factory to the Secretary. The cost of the survey shall be borne*
8 *by the Commonwealth.*

9 (c) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*
10 *retary may require such additional terms and conditions*
11 *in connection with the conveyance under subsection (a) as*
12 *the Secretary considers appropriate to protect the interests*
13 *of the United States.*

14 **SEC. 2836. LAND CONVEYANCE, FORT DIX, NEW JERSEY.**

15 (a) *CONVEYANCE AUTHORIZED.*—*The Secretary of the*
16 *Army may convey, without consideration, to Pemberton*
17 *Township, New Jersey (in this section referred to as the*
18 *“Township”), all right, title, and interest of the United*
19 *States in and to a parcel of real property at Fort Dix, New*
20 *Jersey, consisting of approximately 2 acres and containing*
21 *a parking lot inadvertently constructed on the parcel by the*
22 *Township.*

23 (b) *DESCRIPTION OF PROPERTY.*—*The exact acreage*
24 *and legal description of the real property to be conveyed*
25 *under subsection (a) shall be determined by a survey satis-*

1 *factory to the Secretary. The cost of the survey shall be borne*
2 *by the Township.*

3 (c) *CONDITIONS ON CONVEYANCE.—The conveyance*
4 *authorized under subsection (a) shall be subject to the condi-*
5 *tions that—*

6 (1) *the Township accept the property as is; and*

7 (2) *the Township assume responsibility for any*
8 *environmental restoration or remediation required*
9 *with respect to the property under applicable law.*

10 (d) *ADDITIONAL TERMS AND CONDITIONS.—The Sec-*
11 *retary may require such additional terms and conditions*
12 *in connection with the conveyance under subsection (a) as*
13 *the Secretary considers appropriate to protect the interests*
14 *of the United States.*

15 **SEC. 2837. LAND CONVEYANCE, NIKE SITE 43, ELRAMA,**
16 **PENNSYLVANIA.**

17 (a) *CONVEYANCE AUTHORIZED.—The Secretary of the*
18 *Army may convey, without consideration, to the Board of*
19 *Supervisors of Union Township, Pennsylvania (in this sec-*
20 *tion referred to as the “Township”), all right, title, and in-*
21 *terest of the United States in and to a parcel of real prop-*
22 *erty, including improvements thereon, in Elrama, Pennsyl-*
23 *vania, consisting of approximately 160 acres, which is*
24 *known as Nike Site 43 and was more recently used by the*
25 *Pennsylvania Army National Guard, for the purpose of*

1 *permitting the Township to use the parcel for municipal*
2 *storage and other public purposes.*

3 **(b) DESCRIPTION OF PROPERTY.**—*The exact acreage*
4 *and legal description of the real property to be conveyed*
5 *under subsection (a) shall be determined by a survey satis-*
6 *factory to the Secretary. The cost of the survey shall be borne*
7 *by the Township.*

8 **(c) ADDITIONAL TERMS AND CONDITIONS.**—*The Sec-*
9 *retary may require such additional terms and conditions*
10 *in connection with the conveyance under subsection (a) as*
11 *the Secretary considers appropriate to protect the interests*
12 *of the United States.*

13 **SEC. 2838. LAND EXCHANGE, FORT HOOD, TEXAS.**

14 **(a) EXCHANGE AUTHORIZED.**—*The Secretary of the*
15 *Army may convey to the City of Copperas Cove, Texas (in*
16 *this section referred to as the “City”), all right, title and*
17 *interest of the United States in and to a parcel of real prop-*
18 *erty, including any improvements thereon, consisting of ap-*
19 *proximately 100 acres at Fort Hood, Texas, in exchange*
20 *for the City’s conveyance to the Secretary of all right, title,*
21 *and interest of the City in and to one or more parcels of*
22 *real property that are acceptable to the Secretary and con-*
23 *sist of a total of approximately 300 acres.*

24 **(b) DESCRIPTION OF PROPERTY.**—*The exact acreage*
25 *and legal description of the parcels of real property to be*

1 *exchanged under subsection (a) shall be determined by sur-*
2 *veys satisfactory to the Secretary. The cost of the surveys*
3 *shall be borne by the City.*

4 *(c) ADDITIONAL TERMS AND CONDITIONS.—The Sec-*
5 *retary may require such additional terms and conditions*
6 *in connection with the exchange under subsection (a) as the*
7 *Secretary considers appropriate to protect the interests of*
8 *the United States.*

9 **SEC. 2839. LAND CONVEYANCE, CHARLES MELVIN PRICE**
10 **SUPPORT CENTER, ILLINOIS.**

11 *(a) CONVEYANCE AUTHORIZED.—(1) The Secretary of*
12 *the Army may convey to the Tri-City Regional Port Dis-*
13 *trict of Granite City, Illinois (in this section referred to*
14 *as the “Port District”), all right, title, and interest of the*
15 *United States in and to a parcel of real property, including*
16 *improvements thereon, consisting of approximately 752*
17 *acres and known as the U.S. Army Charles Melvin Price*
18 *Support Center, for the purpose of permitting the Port Dis-*
19 *trict to use the parcel for development of a port facility*
20 *and for other public purposes.*

21 *(2) The property to be conveyed under paragraph (1)*
22 *shall include 158 units of military family housing at the*
23 *Charles Melvin Price Support Center for the purpose of per-*
24 *mitting the Port District to use the housing to provide af-*
25 *fordable housing, but only if the Port District agrees to pro-*

1 *vide members of the Armed Forces first priority in leasing*
2 *the housing at a rental rate not to exceed the member's basic*
3 *allowance for housing.*

4 (3) *The Secretary of the Army may include as part*
5 *of the conveyance under paragraph (1) personal property*
6 *of the Army at the Charles Melvin Price Support Center*
7 *that the Secretary of Transportation recommends is appro-*
8 *priate for the development or operation of the port facility*
9 *and the Secretary of the Army agrees is excess to the needs*
10 *of the Army.*

11 (b) *INTERIM LEASE.—Until such time as the real*
12 *property described in subsection (a) is capable of being con-*
13 *veyed by deed, the Secretary of the Army may lease the*
14 *property to the Port District.*

15 (c) *CONSIDERATION.—(1) The conveyance under sub-*
16 *section (a) shall be made without consideration as a public*
17 *benefit conveyance for port development if the Secretary of*
18 *the Army determines that the Port District satisfies the cri-*
19 *teria specified in section 203(q) of the Federal Property and*
20 *Administrative Services Act of 1949 (40 U.S.C. 484(q)) and*
21 *regulations prescribed to implement such section. If the Sec-*
22 *retary determines that the Port District fails to qualify for*
23 *a public benefit conveyance, but still desires to acquire the*
24 *property, the Port District shall pay to the United States*
25 *an amount equal to the fair market value of the property*

1 *to be conveyed. The fair market value of the property shall*
2 *be determined by the Secretary of the Army.*

3 (2) *The Secretary of the Army may accept as consider-*
4 *ation for a lease of the property under subsection (b) an*
5 *amount that is less than fair market value if the Secretary*
6 *determines that the public interest will be served as a result*
7 *of the lease and the fair market value is unobtainable or*
8 *is not compatible with the public interest.*

9 (d) *ARMY RESERVE ACTIVITIES.—(1) Notwith-*
10 *standing the total acreage of the parcel authorized for con-*
11 *veyance under subsection (a), the Secretary of the Army*
12 *may retain up to 50 acres of the parcel for use by the Army*
13 *Reserve. The acreage selected for retention shall be mutually*
14 *agreeable to the Secretary and the Port District.*

15 (2) *At such time as the Secretary of the Army deter-*
16 *mines that the property retained under this subsection is*
17 *no longer needed for Army Reserve activities, the Secretary*
18 *shall convey the property to the Port District. The consider-*
19 *ation for the conveyance shall be determined in the manner*
20 *provided in subsection (c).*

21 (e) *NAVY ENCLAVE.—Notwithstanding the total acre-*
22 *age of the parcel authorized for conveyance under subsection*
23 *(a), the Secretary of the Army may retain an additional*
24 *portion of the parcel, up to 150 acres, for the development*
25 *of a Navy enclave to support the existing Federal use of*

1 *the parcel. The acreage selected for retention shall be mutu-*
2 *ally agreeable to the Secretary and the Port District.*

3 *(2) At such time as the Secretary of the Army deter-*
4 *mines that the property retained under this subsection is*
5 *no longer needed, the Secretary shall convey the property*
6 *to the Port District. The consideration for the conveyance*
7 *shall be determined in the manner provided in subsection*
8 *(c).*

9 *(f) FLOOD CONTROL EASEMENT.—The Port District*
10 *shall grant to the Secretary of the Army an easement on*
11 *the property conveyed under subsection (a) for the purpose*
12 *of permitting the Secretary to implement and maintain*
13 *flood control projects. The Secretary of the Army, acting*
14 *through the Corps of Engineers, shall be responsible for the*
15 *maintenance of any flood control project built on the prop-*
16 *erty pursuant to the easement.*

17 *(g) DESCRIPTION OF PROPERTY.—The exact acreage*
18 *and legal description of the property to be conveyed under*
19 *subsection (a) shall be determined by a survey satisfactory*
20 *to the Secretary of the Army and the Port District. The*
21 *cost of such survey shall be borne by the Port District.*

22 *(h) ADDITIONAL TERMS.—The Secretary of the Army*
23 *may require such additional terms and conditions in con-*
24 *nection with the conveyance as the Secretary considers ap-*
25 *propriate to protect the interests of the United States.*

1 **SEC. 2840. LAND CONVEYANCE, ARMY RESERVE LOCAL**
2 **TRAINING CENTER, CHATTANOOGA, TEN-**
3 **NESSEE.**

4 (a) *CONVEYANCE AUTHORIZED.*—*The Secretary of the*
5 *Army may convey, without consideration, to the Medal of*
6 *Honor Museum, Inc., a nonprofit corporation organized in*
7 *the State of Tennessee (in this section referred to as the*
8 *“Corporation”), all right, title, and interest of the United*
9 *States in and to a parcel of real property, including any*
10 *improvements thereon, consisting of approximately 15 acres*
11 *at the Army Reserve Local Training Center located on*
12 *Bonnie Oaks Drive, Chattanooga, Tennessee, for the purpose*
13 *of permitting the Corporation to develop and use the parcel*
14 *as a museum and for other educational purposes.*

15 (b) *DESCRIPTION OF PROPERTY.*—*The exact acreage*
16 *and legal description of the real property to be conveyed*
17 *under subsection (a) shall be determined by a survey satis-*
18 *factory to the Secretary. The cost of the survey shall be borne*
19 *by the Corporation.*

20 (c) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*
21 *retary may require such additional terms and conditions*
22 *in connection with the conveyance under subsection (a) as*
23 *the Secretary considers appropriate to protect the interests*
24 *of the United States.*

1 **PART II—NAVY CONVEYANCES**

2 **SEC. 2851. MODIFICATION OF AUTHORITY FOR OXNARD**
3 **HARBOR DISTRICT, PORT HUENEME, CALI-**
4 **FORNIA, TO USE CERTAIN NAVY PROPERTY.**

5 (a) *ADDITIONAL RESTRICTIONS ON JOINT USE.*—Sub-
6 section (c) of section 2843 of the Military Construction Au-
7 thorization Act for Fiscal Year 1995 (division B of Public
8 Law 103–337; 108 Stat. 3067) is amended to read as fol-
9 lows:

10 “(c) *RESTRICTIONS ON USE.*—The District’s use of the
11 property covered by an agreement under subsection (a) is
12 subject to the following conditions:

13 “(1) *The District shall suspend operations under*
14 *the agreement upon notification by the commanding*
15 *officer of the Center that the property is needed to*
16 *support mission essential naval vessel support re-*
17 *quirements or Navy contingency operations, including*
18 *combat missions, natural disasters, and humani-*
19 *tarian missions.*

20 “(2) *The District shall use the property covered*
21 *by the agreement in a manner consistent with Navy*
22 *operations at the Center, including cooperating with*
23 *the Navy for the purpose of assisting the Navy to meet*
24 *its through-put requirements at the Center for the ex-*
25 *peditious movement of military cargo.*

1 “(3) *The commanding officer of the Center may*
2 *require the District to remove any of its personal*
3 *property at the Center that the commanding officer*
4 *determines may interfere with military operations at*
5 *the Center. If the District cannot expeditiously remove*
6 *the property, the commanding officer may provide for*
7 *the removal of the property at District expense.”.*

8 **(b) CONSIDERATION.**—*Subsection (d) of such section is*
9 *amended to read as follows:*

10 “(d) **CONSIDERATION.**—(1) *As consideration for the*
11 *use of the property covered by an agreement under sub-*
12 *section (a), the District shall pay to the Navy an amount*
13 *that is mutually agreeable to the parties to the agreement,*
14 *taking into account the nature and extent of the District’s*
15 *use of the property.*

16 “(2) *The Secretary may accept in-kind consideration*
17 *under paragraph (1), including consideration in the form*
18 *of—*

19 “(A) *the District’s maintenance, preservation,*
20 *improvement, protection, repair, or restoration of all*
21 *or any portion of the property covered by the agree-*
22 *ment;*

23 “(B) *the construction of new facilities, the modi-*
24 *fication of existing facilities, or the replacement of fa-*

1 *ilities vacated by the Navy on account of the agree-*
2 *ment; and*

3 *“(C) covering the cost of relocation of the oper-*
4 *ations of the Navy from the vacated facilities to the*
5 *replacement facilities.*

6 *“(3) All cash consideration received under paragraph*
7 *(1) shall be deposited in the special account in the Treasury*
8 *established for the Navy under section 2667(d) of title 10,*
9 *United States Code. The amounts deposited in the special*
10 *account pursuant to this paragraph shall be available, as*
11 *provided in appropriation Acts, for general supervision, ad-*
12 *ministration, overhead expenses, and Center operations and*
13 *for the maintenance preservation, improvement, protection,*
14 *repair, or restoration of property at the Center.”.*

15 *(c) CONFORMING AMENDMENTS.—Such section is fur-*
16 *ther amended—*

17 *(1) by striking subsection (f); and*

18 *(2) by redesignating subsections (g) and (h) as*
19 *subsections (f) and (g), respectively.*

20 **SEC. 2852. MODIFICATION OF LAND CONVEYANCE, MARINE**
21 **CORPS AIR STATION, EL TORO, CALIFORNIA.**

22 *Section 2811(a)(2) of the National Defense Authoriza-*
23 *tion Act for Fiscal Years 1990 and 1991 (Public Law 101–*
24 *189; 103 Stat. 1650) is amended by striking “of additional*
25 *military family housing units at Marine Corps Air Station,*

1 *Tustin, California*” and inserting “and repair of roads,
2 and the development of Aerial Port of Embarkation facili-
3 ties, at Marine Corps Air Station, Miramar, California”.

4 **SEC. 2853. TRANSFER OF JURISDICTION, MARINE CORPS**
5 **AIR STATION, MIRAMAR, CALIFORNIA.**

6 (a) *TRANSFER AUTHORIZED.*—*The Secretary of the*
7 *Navy may transfer, without reimbursement, to the adminis-*
8 *trative jurisdiction of the Secretary of the Interior a parcel*
9 *of real property, including any improvements thereon, con-*
10 *sisting of approximately 250 acres and known as the Tea-*
11 *cup Parcel, which comprises a portion of the Marine Corps*
12 *Air Station, Miramar, California.*

13 (b) *USE OF LAND.*—*The Secretary of the Interior shall*
14 *include the real property transferred under subsection (a)*
15 *as a part of the Vernal Pool Unit of the San Diego National*
16 *Wildlife Refuge and administer the property for the con-*
17 *servation of fish and wildlife. All current and future mili-*
18 *tary aviation and related activities at the Marine Corps*
19 *Air Station, Miramar, are deemed to be compatible with*
20 *the refuge purposes for which the property is transferred,*
21 *and with any secondary uses that may be established on*
22 *the transferred property.*

23 (c) *CONDITION ON TRANSFER.*—*The transfer author-*
24 *ized under subsection (a) shall be subject to the condition*
25 *that the Secretary of the Interior make the transferred prop-*

1 *erty available to the Secretary of the Navy for any habitat*
2 *restoration or preservation project that may be required for*
3 *mitigation of military activities occurring at the Marine*
4 *Corps Air Station, Miramar, unless the Secretary of the*
5 *Interior determines that the project adversely affect the*
6 *property's sensitive wildlife and habitat resource values.*

7 *(d) LEGAL DESCRIPTION.—The exact acreage and*
8 *legal description of the real property to be transferred under*
9 *this section shall be determined by a survey satisfactory to*
10 *the Secretary of the Navy. The cost of the survey shall be*
11 *borne by the Secretary of the Interior.*

12 *(e) ADDITIONAL TERMS AND CONDITIONS.—The Sec-*
13 *retary of the Navy may require such additional terms and*
14 *conditions in connection with the transfer under this section*
15 *as the Secretary of the Navy considers appropriate to pro-*
16 *tect the interests of the United States.*

17 **SEC. 2854. LEASE OF PROPERTY, MARINE CORPS AIR STA-**
18 **TION, MIRAMAR, CALIFORNIA.**

19 *(a) AUTHORITY TO LEASE.—(1) The Secretary of the*
20 *Navy may lease, without consideration, to the City of San*
21 *Diego, California (in this section referred to as the “City”),*
22 *a parcel of real property, including any improvements*
23 *thereon, consisting of approximately 44 acres and known*
24 *as the Hickman Field, which comprises a portion of the*
25 *Marine Corps Air Station, Miramar, California.*

1 (2) *The lease authorized by paragraph (1) may have*
2 *a term not to exceed five years.*

3 (b) *DESCRIPTION OF PROPERTY.*—*The exact acreage*
4 *and legal description of the real property to be leased under*
5 *subsection (a) shall be determined by a survey satisfactory*
6 *to the Secretary. The cost of the survey shall be borne by*
7 *the City.*

8 (c) *CONDITIONS ON LEASE.*—*The lease authorized*
9 *under subsection (a) shall be subject to the conditions that—*

10 (1) *the City maintain the property at no cost to*
11 *the United States;*

12 (2) *the City make the property available to the*
13 *existing tenant at no cost during the term of the lease;*
14 *and*

15 (3) *the property be used only for recreational*
16 *purposes.*

17 (d) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*
18 *retary may require such additional terms and conditions*
19 *in connection with the lease under subsection (a) as the Sec-*
20 *retary considers appropriate to protect the interests of the*
21 *United States.*

22 **SEC. 2855. LEASE OF PROPERTY, NAVAL AIR STATION, PEN-**
23 **SACOLA, FLORIDA.**

24 (a) *AUTHORITY TO LEASE.*—*The Secretary of the*
25 *Navy may lease, without consideration, to the Naval Avia-*

1 *tion Museum Foundation (in this section referred to as the*
2 *“Foundation”)* *real property improvements constructed by*
3 *the Foundation at the National Museum of Naval Aviation*
4 *at Naval Air Station, Pensacola, Florida, for the purpose*
5 *of permitting the Foundation to operate a National Flight*
6 *Academy to encourage and assist American young people*
7 *to develop an interest in naval aviation and to preserve*
8 *and enhance the image and heritage of naval aviation.*

9 (b) *CONSTRUCTION.*—*The Foundation shall be solely*
10 *responsible for the design and construction of the real prop-*
11 *erty improvements referred to in subsection (a). Upon com-*
12 *pletion, the improvements shall be donated to and become*
13 *the property of the United States, subject to the terms of*
14 *the lease under subsection (a).*

15 (c) *TERM OF LEASE.*—(1) *The lease authorized by sub-*
16 *section (a) may be for a term of up to 50 years, with an*
17 *option to renew for an additional 50 years.*

18 (2) *In the event that the National Flight Academy*
19 *ceases operation for a period in excess of one year during*
20 *the leasehold period, or any extension thereof, the lease shall*
21 *immediately terminate without cost or future liability to*
22 *the United States.*

23 (d) *USE BY NAVY.*—*The Secretary may use all or a*
24 *portion of the leased property when the National Flight*
25 *Academy is not in session or whenever the use of the prop-*

1 *erty would not conflict with operation of the Academy. The*
2 *Foundation shall permit such use at no cost to the Navy.*

3 (e) *MAINTENANCE AND REPAIR.—The Foundation*
4 *shall be solely responsible during the leasehold period, and*
5 *any extension thereof, for the operation, maintenance, and*
6 *repair or replacement of the real property improvements*
7 *authorized for lease under this section.*

8 (f) *ASSISTANCE.—(1) Subject to subsection (e), the Sec-*
9 *retary may assist the Foundation in implementing the Na-*
10 *tional Flight Academy by furnishing facilities, utilities,*
11 *maintenance, and other services within the boundaries of*
12 *Naval Air Station, Pensacola. The Secretary may require*
13 *the Foundation to reimburse the Secretary for the facilities,*
14 *utilities, maintenance, or other services so provided or may*
15 *provide the facilities, utilities, maintenance, or other serv-*
16 *ices without reimbursement by the Foundation.*

17 (2) *Any assistance provided the Foundation pursuant*
18 *to paragraph (1) may be terminated by the Secretary with-*
19 *out notice, cause, or liability to the United States.*

20 (g) *ADDITIONAL TERMS AND CONDITIONS.—The Sec-*
21 *retary may require such additional terms and conditions*
22 *in connection with the lease under subsection (a) as the Sec-*
23 *retary considers appropriate to protect the interests of the*
24 *United States.*

1 **SEC. 2856. LAND EXCHANGE, MARINE CORPS RECRUIT**
2 **DEPOT, SAN DIEGO, CALIFORNIA.**

3 (a) *CONVEYANCE AUTHORIZED.*—*The Secretary of the*
4 *Navy may convey to the San Diego Unified Port District*
5 *of San Diego California (in this section referred to as the*
6 *“Port District”), all right, title, and interest of the United*
7 *States in and to three parcels of real property, including*
8 *improvements thereon, consisting of approximately 44.5*
9 *acres and comprising a portion of the Marine Corps Recruit*
10 *Depot, San Diego, California, in exchange for the Port*
11 *District’s—*

12 (1) *conveyance to the Secretary of all right, title,*
13 *and interest of Port District in and to a parcel of*
14 *real property that is acceptable to the Secretary and*
15 *contiguous to the recruit depot; and*

16 (2) *construction of suitable replacement facilities*
17 *and necessary supporting structures on the parcel or*
18 *other property comprising the recruit depot, as deter-*
19 *mined necessary by the Secretary.*

20 (b) *TIME FOR CONVEYANCE.*—*The Secretary may not*
21 *make the conveyance to the Port District authorized by sub-*
22 *section (a) until the Secretary determines that the replace-*
23 *ment facilities have been constructed and are ready for oc-*
24 *cupancy.*

25 (c) *ADMINISTRATIVE EXPENSES.*—*The Port District*
26 *shall reimburse the Secretary for administrative expenses*

1 *incurred by the Secretary in carrying out the exchange*
2 *under subsection (a), including expenses related to the plan-*
3 *ning, design, survey, environmental compliance, and super-*
4 *vision and inspection of construction of the replacement fa-*
5 *cilities. Section 2695(c) of title 10, United States Code,*
6 *shall apply to the amounts received by the Secretary.*

7 (d) *CONSTRUCTION SCHEDULE.—The Port District*
8 *shall construct the replacement facilitates pursuant to such*
9 *schedule and in such a manner so as to not interrupt or*
10 *adversely affect the capability of the Marine Corps Recruit*
11 *Depot to accomplish its mission.*

12 (e) *DESCRIPTION OF PROPERTY.—The exact acreage*
13 *and legal description of the parcels of real property to be*
14 *exchanged under subsection (a) shall be determined by sur-*
15 *veys satisfactory to the Secretary. The cost of the surveys*
16 *shall be borne by the Port District.*

17 (f) *ADDITIONAL TERMS AND CONDITIONS.—The Sec-*
18 *retary may require such additional terms and conditions*
19 *in connection with the exchange under subsection (a) as the*
20 *Secretary considers appropriate to protect the interests of*
21 *the United States.*

22 **SEC. 2857. LAND EXCHANGE, NAVAL AIR RESERVE CENTER,**
23 **COLUMBUS, OHIO.**

24 (a) *EXCHANGE AUTHORIZED.—The Secretary of the*
25 *Navy may convey to the Rickenbacker Port Authority of*

1 Columbus, Ohio (in this section referred to as the “Author-
2 ity”), all right, title, and interest of the United States in
3 and to a parcel of real property, including improvements
4 thereon, consisting of approximately 24 acres comprising
5 the civilian facilities of the Naval Air Reserve at Ricken-
6 backer International Airport in Franklin County, Ohio, in
7 exchange for the Authority’s conveyance to the Secretary of
8 all right, title, and interest of the Authority in and to a
9 parcel of real property consisting of approximately 10 to
10 15 acres acceptable to the Secretary at Rickenbacker Inter-
11 national Airport.

12 (b) *USE OF ACQUIRED PROPERTY.*—The Secretary
13 shall use the real property acquired from the Authority in
14 the exchange as the site for a replacement facility that will
15 house both the Naval Air Reserve Center at Rickenbacker
16 International Airport and the Naval and Marine Corps Re-
17 serve Center currently located in Columbus, Ohio.

18 (c) *TIME FOR CONVEYANCE.*—The Secretary may not
19 make the conveyance to the Authority authorized by sub-
20 section (a) until the Secretary determines that the replace-
21 ment facility described in subsection (b) has been con-
22 structed and is ready for occupancy.

23 (d) *DESCRIPTION OF PROPERTY.*—The exact acreage
24 and legal description of the parcels of real property to be
25 exchanged under subsection (a) shall be determined by sur-

1 *veys satisfactory to the Secretary. The cost of the surveys*
2 *shall be borne by the Authority.*

3 *(e) ADDITIONAL TERMS AND CONDITIONS.—The Sec-*
4 *retary may require such additional terms and conditions*
5 *in connection with the exchange under subsection (a) as the*
6 *Secretary considers appropriate to protect the interests of*
7 *the United States.*

8 **SEC. 2858. LAND CONVEYANCE, NAVAL RESERVE CENTER,**
9 **TAMPA, FLORIDA.**

10 *(a) CONVEYANCE AUTHORIZED.—The Secretary of the*
11 *Navy may convey to the Tampa Port Authority of Tampa,*
12 *Florida (in this section referred to as the “Port Authority”),*
13 *all right, title, and interest of the United States in and to*
14 *a parcel of real property, including improvements thereon,*
15 *consisting of approximately 2.18 acres and comprising the*
16 *Naval Reserve Center, Tampa, Florida, for the purpose of*
17 *permitting the Port Authority to use the parcel to facilitate*
18 *the expansion of the Port of Tampa.*

19 *(b) CONDITIONS ON CONVEYANCE.—The conveyance*
20 *authorized under subsection (a) shall be subject to the fol-*
21 *lowing conditions:*

22 *(1) The Port Authority will accept the Naval Re-*
23 *serve Center as is.*

24 *(2) The Port Authority will provide a replace-*
25 *ment facility for the Naval Reserve Center on a site*

1 of comparable size and consisting of comparable im-
2 provements on port property or other public land ac-
3 ceptable to the Secretary. In the event that a federally
4 owned site acceptable to the Secretary is not available
5 for the construction of the replacement facility, the
6 Port Authority will provide a site for the replacement
7 facility acceptable to the Secretary and convey it in
8 fee title to the United States.

9 (3) *The Port Authority will procure all necessary*
10 *funding and the planning and design necessary to*
11 *construct a replacement facility that is fully oper-*
12 *ational and satisfies the Base Facilities Requirements*
13 *plan, as provided by the Naval Reserve.*

14 (4) *The Port Authority will bear all reasonable*
15 *costs that the Navy may incur in the relocating to the*
16 *replacement facility.*

17 (c) *TIME FOR CONVEYANCE.*—*The Secretary may not*
18 *make the conveyance authorized under subsection (a) until*
19 *all of the conditions specified in subsection (b) have been*
20 *met to the satisfaction of the Secretary.*

21 (d) *DESCRIPTION OF PROPERTY.*—*The exact acreage*
22 *and legal description of the real property to be conveyed*
23 *under subsection (a) shall be determined by a survey satis-*
24 *factory to the Secretary. The cost of the survey shall be borne*
25 *by the Port Authority.*

1 (e) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*
2 *retary may require such additional terms and conditions*
3 *in connection with the conveyance under subsection (a) as*
4 *the Secretary considers appropriate to protect the interests*
5 *of the United States.*

6 **PART III—AIR FORCE CONVEYANCES**

7 **SEC. 2861. LAND CONVEYANCE, WRIGHT PATTERSON AIR**
8 **FORCE BASE, OHIO.**

9 (a) *CONVEYANCE AUTHORIZED.*—*The Secretary of the*
10 *Air Force may convey, without consideration, to Greene*
11 *County, Ohio, (in this section referred to as the “County”),*
12 *all right, title, and interest of the United States in and to*
13 *a parcel of real property, including improvements thereon,*
14 *consisting of approximately 92 acres comprising the com-*
15 *munications test annex at Wright Patterson Air Force*
16 *Base, Ohio, for the purpose of permitting the County to use*
17 *the parcel for recreational purposes.*

18 (b) *DESCRIPTION OF PROPERTY.*—*The exact acreage*
19 *and legal description of the real property to be conveyed*
20 *under subsection (a) shall be determined by a survey satis-*
21 *factory to the Secretary. The cost of the survey shall be borne*
22 *by the County.*

23 (c) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*
24 *retary may require such additional terms and conditions*
25 *in connection with the conveyance under subsection (a) as*

1 *the Secretary considers appropriate to protect the interests*
2 *of the United States.*

3 **SEC. 2862. LAND CONVEYANCE, POINT ARENA AIR FORCE**
4 **STATION, CALIFORNIA.**

5 (a) *CONVEYANCE AUTHORIZED.*—*The Secretary of the*
6 *Air Force may convey, without consideration, to Mendocino*
7 *County, California (in this section referred to as the “Coun-*
8 *ty”), all right, title, and interest of the United States in*
9 *and to a parcel of real property, including improvements*
10 *thereon, consisting of approximately 82 acres at the Point*
11 *Arena Air Force Station, California, for the purpose of per-*
12 *mitting the County to use the parcel for municipal and*
13 *other public purposes.*

14 (b) *DESCRIPTION OF PROPERTY.*—*The exact acreage*
15 *and legal description of the real property to be conveyed*
16 *under subsection (a) shall be determined by a survey satis-*
17 *factory to the Secretary. The cost of the survey shall be borne*
18 *by the County.*

19 (c) *EFFECT OF RECONVEYANCE.*—*If at any time the*
20 *County conveys all or a portion of the property conveyed*
21 *under subsection (a), the County shall pay the United*
22 *States an amount equal to the fair market value of the*
23 *property conveyed, as determined by an appraisal satisfac-*
24 *tory to the Secretary.*

1 *facilities to consolidate the mission and support functions*
2 *at Los Angeles Air Force Base. Any such facility must com-*
3 *ply with the seismic and safety design standards for Los*
4 *Angeles County, California, in effect at the time the Sec-*
5 *retary takes possession of the facility.*

6 (c) *LEASEBACK AUTHORITY.—If the fair market value*
7 *of a facility to be provided as consideration for the convey-*
8 *ance of real property under subsection (a) exceeds the fair*
9 *market value of the conveyed property, the Secretary may*
10 *enter into a lease for the facility for a period not to exceed*
11 *10 years. Rental payments under the lease shall be estab-*
12 *lished at the rate necessary to permit the lessor to recover,*
13 *by the end of the lease term, the difference between the fair*
14 *market value of a facility and the fair market value of the*
15 *conveyed property. At the end of the lease, all right, title,*
16 *and interest in the facility shall vest in the United States.*

17 (d) *APPRAISAL OF PROPERTY.—The Secretary shall*
18 *obtain an appraisal of the fair market value of all property*
19 *and facilities to be sold, leased, or acquired under this sec-*
20 *tion. An appraisal shall be made by a qualified appraiser*
21 *familiar with the type of property to be appraised. The Sec-*
22 *retary shall consider the appraisals in determining whether*
23 *a proposed conveyance accomplishes the purpose of this sec-*
24 *tion and is in the interest of the United States. Appraisal*

1 reports shall not be released outside of the Federal Govern-
2 ment, other than the other party to a conveyance.

3 (e) *DESCRIPTION OF PROPERTY.*—The exact acreage
4 and legal description of real property to be conveyed under
5 subsection (a) or acquired under subsection (b) shall be de-
6 termined by a survey satisfactory to the Secretary. The cost
7 of the survey shall be borne by the recipient of the property.

8 (f) *EXEMPTION.*—Section 2696 of title 10, United
9 States Code, does not apply to the conveyance authorized
10 by subsection (a).

11 (g) *ADDITIONAL TERMS AND CONDITIONS.*—The Sec-
12 retary may require such additional terms and conditions
13 in connection with a conveyance under subsection (a) or
14 a lease under subsection (c) as the Secretary considers ap-
15 propriate to protect the interests of the United States.

16 **PART IV—OTHER CONVEYANCES**

17 **SEC. 2871. CONVEYANCE OF ARMY AND AIR FORCE EX-**

18 **CHANGE SERVICE PROPERTY, FARMERS**

19 **BRANCH, TEXAS.**

20 (a) *CONVEYANCE AUTHORIZED.*—The Secretary of De-
21 fense may authorize the Army and Air Force Exchange
22 Service, which is a nonappropriated fund instrumentality
23 of the United States, to sell all right, title, and interest of
24 the United States in and to a parcel of real property, in-

1 *cluding improvements thereon, that is located at 2727 LBJ*
2 *Freeway in Farmers Branch, Texas.*

3 **(b) DESCRIPTION OF PROPERTY.**—*The exact acreage*
4 *and legal description of the real property to be conveyed*
5 *under subsection (a) shall be determined by a survey satis-*
6 *factory to the Secretary. The cost of the survey shall be borne*
7 *by the purchaser.*

8 **(c) CONSIDERATION.**—*As consideration for conveyance*
9 *under subsection (a), the purchaser shall pay, in a single*
10 *lump sum payment, an amount equal to the fair market*
11 *value of the real property conveyed, as determined by the*
12 *Secretary. The payment shall be handled in the manner*
13 *provided in section 204(c) of the Federal Property and Ad-*
14 *ministrative Services Act of 1949 (40 U.S.C. 485(c)).*

15 **(d) CONGRESSIONAL REPORT.**—*Within 30 days after*
16 *the sale of the property under subsection (a), the Secretary*
17 *shall submit to Congress a report detailing the particulars*
18 *of the sale.*

19 **(e) ADDITIONAL TERMS AND CONDITIONS.**—*The Sec-*
20 *retary may require such additional terms and conditions*
21 *in connection with the conveyance under subsection (a) as*
22 *the Secretary considers appropriate to protect the interests*
23 *of the United States.*

1 ***Subtitle D—Other Matters***

2 ***SEC. 2881. RELATION OF EASEMENT AUTHORITY TO LEASED***
3 ***PARKLAND, MARINE CORPS BASE, CAMP PEN-***
4 ***DLETON, CALIFORNIA.***

5 *Section 2851 of the Military Construction Authoriza-*
6 *tion Act for Fiscal Year 1999 (division B of Public Law*
7 *105–261; 112 Stat. 2219) is amended by adding at the end*
8 *the following new subsection:*

9 “(f) *EXEMPTION FOR CERTAIN LEASED LANDS.—(1)*
10 *Section 303 of title 49, and section 138 of title 23, United*
11 *States Code, shall not apply to any approval by the Sec-*
12 *retary of Transportation of the use by State Route 241 of*
13 *parkland within Camp Pendleton that is leased by the State*
14 *of California, where the lease reserved to the United States*
15 *the right to establish rights-of-way.*

16 “(2) *The Agency shall be responsible for the implemen-*
17 *tation of any measures required by the Secretary of Trans-*
18 *portation to mitigate the impact of the Agency’s use of*
19 *parkland within Camp Pendleton for State Route 241. With*
20 *the exception of those mitigation measures directly related*
21 *to park functions, the measures shall be located outside the*
22 *boundaries of Camp Pendleton. The required mitigation*
23 *measures related to park functions shall be implemented in*
24 *accordance with the terms of the lease referred to in para-*
25 *graph (1).”.*

1 **SEC. 2882. EXTENSION OF DEMONSTRATION PROJECT FOR**
2 **PURCHASE OF FIRE, SECURITY, POLICE, PUB-**
3 **LIC WORKS, AND UTILITY SERVICES FROM**
4 **LOCAL GOVERNMENT AGENCIES.**

5 *Section 816(c) of the National Defense Authorization*
6 *Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat.*
7 *2820), as added by section 2873 of the Strom Thurmond*
8 *National Defense Authorization Act for Fiscal Year 1999*
9 *(Public Law 105–261; 112 Stat. 2225), is amended by strik-*
10 *ing “2000” and inserting “2002”.*

11 **SEC. 2883. ESTABLISHMENT OF WORLD WAR II MEMORIAL**
12 **ON GUAM.**

13 *(a) ESTABLISHMENT REQUIRED.—The Secretary of*
14 *Defense shall establish on Federal lands near the Fena*
15 *Caves in Guam a suitable memorial intended to honor those*
16 *Guamanian civilians who were killed during the occupation*
17 *of Guam during World War II and to commemorate the*
18 *liberation of Guam by the United States Armed Forces in*
19 *1944.*

20 *(b) MAINTENANCE OF MEMORIAL.—The Secretary of*
21 *Defense shall be responsible for the maintenance of the me-*
22 *morial established pursuant to subsection (a).*

23 *(c) CONSULTATION.—In designing and building the*
24 *memorial and selecting the specific location for the memo-*
25 *rial, the Secretary of Defense shall consult with the Amer-*

1 *ican Battle Monuments Commission established under*
2 *chapter 21 of title 36, United States Code.*

3 **SEC. 2884. NAMING OF ARMY MISSILE TESTING RANGE AT**
4 **KWAJALEIN ATOLL AS THE RONALD REAGAN**
5 **BALLISTIC MISSILE DEFENSE TEST SITE AT**
6 **KWAJALEIN ATOLL.**

7 *The United States Army missile testing range located*
8 *at Kwajalein Atoll in the Marshall Islands shall after the*
9 *date of the enactment of this Act be known and designated*
10 *as the “Ronald Reagan Ballistic Missile Defense Test Site*
11 *at Kwajalein Atoll”. Any reference to that range in any*
12 *law, regulation, map, document, record, or other paper of*
13 *the United States shall be considered to be a reference to*
14 *the Ronald Reagan Ballistic Missile Defense Test Site at*
15 *Kwajalein Atoll.*

16 **SEC. 2885. DESIGNATION OF BUILDING AT FORT BELVOIR,**
17 **VIRGINIA, IN HONOR OF ANDREW T. MCNA-**
18 **MARA.**

19 *The building at 8725 John J. Kingman Road, Fort*
20 *Belvoir, Virginia, shall be known and designated as the*
21 *“Andrew T. McNamara Building”. Any reference to that*
22 *building in any law, regulation, map, document, record,*
23 *or other paper of the United States shall be considered to*
24 *be a reference to the Andrew T. McNamara Building.*

1 **SEC. 2886. DESIGNATION OF BALBOA NAVAL HOSPITAL, SAN**
2 **DIEGO, CALIFORNIA, IN HONOR OF BOB WIL-**
3 **SON, A FORMER MEMBER OF THE HOUSE OF**
4 **REPRESENTATIVES.**

5 *The Balboa Naval Hospital in San Diego, California,*
6 *shall be known and designated as the “Bob Wilson Naval*
7 *Hospital”. Any reference to the Balboa Naval Hospital in*
8 *any law, regulation, map, document, record, or other paper*
9 *of the United States shall be considered to be a reference*
10 *to the Bob Wilson Naval Hospital.*

11 **SEC. 2887. SENSE OF CONGRESS REGARDING IMPORTANCE**
12 **OF EXPANSION OF NATIONAL TRAINING CEN-**
13 **TER, FORT IRWIN, CALIFORNIA.**

14 *(a) FINDINGS.—The Congress finds the following:*

15 *(1) The National Training Center at Fort Irwin,*
16 *California, is the Army’s premier warfare training*
17 *center.*

18 *(2) The National Training Center was cited by*
19 *General Norman Schwarzkopf as being instrumental*
20 *to the success of the allied victory in the Persian Gulf*
21 *conflict.*

22 *(3) The National Training Center gives a mili-*
23 *tary unit the opportunity to use high-tech equipment*
24 *and confront realistic opposing forces in order to ac-*
25 *curately discover the unit’s strengths and weaknesses.*

1 (4) *The current size of the National Training*
2 *Center is insufficient in light of the advanced equip-*
3 *ment and technology required for modern warfare*
4 *training.*

5 (5) *The expansion of the National Training Cen-*
6 *ter to include additional lands would permit military*
7 *units and members of the Armed Forces to adequately*
8 *prepare for future conflicts and various warfare sce-*
9 *narios they may encounter throughout the world.*

10 (6) *Additional lands for the expansion of the Na-*
11 *tional Training Center are presently available in the*
12 *California desert.*

13 (7) *The expansion of the National Training Cen-*
14 *ter is a top priority of the Army and the Office of*
15 *the Secretary of Defense.*

16 (b) *SENSE OF CONGRESS.—It is the sense of Congress*
17 *that the prompt expansion of the National Training Center*
18 *is vital to the national security interests of the United*
19 *States.*

1 ***DIVISION C—DEPARTMENT OF***
2 ***ENERGY NATIONAL SECURITY***
3 ***AUTHORIZATIONS AND***
4 ***OTHER AUTHORIZATIONS***
5 ***TITLE XXXI—DEPARTMENT OF***
6 ***ENERGY NATIONAL SECURITY***
7 ***PROGRAMS***
8 ***Subtitle A—National Security***
9 ***Programs Authorizations***

10 ***SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRA-***
11 ***TION.***

12 *(a) IN GENERAL.—Funds are hereby authorized to be*
13 *appropriated to the Department of Energy for fiscal year*
14 *2001 for the activities of the National Nuclear Security Ad-*
15 *ministration in carrying out programs necessary for na-*
16 *tional security in the amount of \$6,269,435,000, to be allo-*
17 *cated as follows:*

18 *(1) WEAPONS ACTIVITIES.—For weapons activi-*
19 *ties, \$4,677,800,000, to be allocated as follows:*

20 *(A) For stewardship, \$4,280,415,000, to be*
21 *allocated as follows:*

22 *(i) For directed stockpile work,*
23 *\$856,603,000.*

24 *(ii) For campaigns, \$2,057,014,000, to*
25 *be allocated as follows:*

1 (I) *For operation and maintenance,*
2 *\$1,707,682,000.*

3 (II) *For construction,*
4 *\$349,332,000, to be allocated as follows:*

5
6 *Project 01–D–101, distributed information systems laboratory, Sandia National Laboratories, Albuquerque, New Mexico, \$2,300,000.*

7
8
9
10 *Project 00–D–103, terascale simulation facility, Lawrence Livermore National Laboratory, Livermore, California, \$5,000,000.*

11
12
13
14 *Project 00–D–105, strategic computing complex, Los Alamos National Laboratory, Los Alamos, New Mexico, \$56,000,000.*

15
16
17
18 *Project 00–D–107, joint computational engineering laboratory, Sandia National Laboratories, Albuquerque, New Mexico, \$6,700,000.*

19
20
21
22 *Project 98–D–125, tritium extraction facility, Savannah River Plant, Aiken, South Carolina, \$75,000,000.*

1 *Project 97–D–102, dual-axis radi-*
2 *ographic hydrotest facility, Los Alamos*
3 *National Laboratory, Los Alamos, New*
4 *Mexico, \$35,232,000.*

5 *Project 96–D–111, national igni-*
6 *tion facility (NIF), Lawrence Liver-*
7 *more National Laboratory, Livermore,*
8 *California, \$169,100,000.*

9 *(iii) For readiness in technical base*
10 *and facilities, \$1,366,798,000.*

11 *(B) For secure transportation asset,*
12 *\$115,673,000, to be allocated as follows:*

13 *(i) For operation and maintenance,*
14 *\$79,357,000.*

15 *(ii) For program direction,*
16 *\$36,316,000.*

17 *(C) For program direction, \$216,871,000.*

18 *(D) For plant projects (including mainte-*
19 *nance, restoration, planning, construction, ac-*
20 *quisition, modification of facilities, and the con-*
21 *tinuation of projects authorized in prior years,*
22 *and land acquisition related thereto),*
23 *\$159,841,000, to be allocated as follows:*

1 *Project 01–D–103, preliminary project*
2 *design and engineering, various locations,*
3 *\$14,500,000.*

4 *Project 01–D–124, highly enriched*
5 *uranium (HEU) storage facility, Y–12*
6 *Plant, Oak Ridge, Tennessee, \$17,800,000.*

7 *Project 01–D–126, weapons evaluation*
8 *test laboratory, Pantex Plant, Amarillo,*
9 *Texas, \$3,000,000.*

10 *Project 99–D–103, isotope sciences fa-*
11 *cilities, Lawrence Livermore National Lab-*
12 *oratory, Livermore, California, \$5,000,000.*

13 *Project 99–D–104, protection of real*
14 *property (roof reconstruction, phase II),*
15 *Lawrence Livermore National Laboratory,*
16 *Livermore, California, \$2,800,000.*

17 *Project 99–D–106, model validation*
18 *and system certification center, Sandia Na-*
19 *tional Laboratories, Albuquerque, New Mex-*
20 *ico, \$5,200,000.*

21 *Project 99–D–108, renovate existing*
22 *roadways, Nevada Test Site, Nevada,*
23 *\$2,000,000.*

1 *Project 99–D–125, replace boilers and*
2 *controls, Kansas City Plant, Kansas City,*
3 *Missouri, \$13,000,000.*

4 *Project 99–D–127, stockpile manage-*
5 *ment restructuring initiative, Kansas City*
6 *plant, Kansas City, Missouri, \$23,765,000.*

7 *Project 99–D–128, stockpile manage-*
8 *ment restructuring initiative, Pantex Plant,*
9 *Amarillo, Texas, \$4,998,000.*

10 *Project 99–D–132, stockpile manage-*
11 *ment restructuring initiative, nuclear mate-*
12 *rial safeguards and security upgrades*
13 *project, Los Alamos National Laboratory,*
14 *Los Alamos, New Mexico, \$18,043,000.*

15 *Project 98–D–123, stockpile manage-*
16 *ment restructuring initiative, tritium facil-*
17 *ity modernization and consolidation, Sa-*
18 *vannah River Plant, Aiken, South Caro-*
19 *lina, \$30,767,000.*

20 *Project 97–D–123, structural upgrades,*
21 *Kansas City Plant, Kansas City, Missouri,*
22 *\$2,918,000.*

23 *Project 95–D–102, chemistry and met-*
24 *allurgy research (CMR) upgrades project,*

1 *Los Alamos National Laboratory, Los Ala-*
2 *mos, New Mexico, \$13,337,000.*

3 *Project 88–D–123, security enhance-*
4 *ments, Pantex Plant, Amarillo, Texas,*
5 *\$2,713,000.*

6 (2) *DEFENSE NUCLEAR NONPROLIFERATION.—*

7 *For other nuclear security activities, \$914,035,000, to*
8 *be allocated as follows:*

9 (A) *For nonproliferation and verification re-*
10 *search and development, \$232,990,000, to be allo-*
11 *cated as follows:*

12 (i) *For operation and maintenance,*
13 *\$225,990,000.*

14 (ii) *For plant projects (including mainte-*
15 *nance, restoration, planning, construction,*
16 *acquisition, modification of facilities, and*
17 *the continuation of projects authorized in*
18 *prior years, and land acquisition related*
19 *thereto), \$7,000,000, to be allocated as fol-*
20 *lows:*

21 *Project 00–D–192, nonprolifera-*
22 *tion and international security center*
23 *(NISC), Los Alamos National Labora-*
24 *tory, Los Alamos, New Mexico,*
25 *\$7,000,000.*

1 (B) For arms control, \$272,870,000.

2 (C) For long-term nonproliferation program
3 for Russia, \$100,000,000.

4 (D) For highly enriched uranium trans-
5 parency implementation, \$15,190,000.

6 (E) For international nuclear safety,
7 \$20,000,000.

8 (F) For fissile materials control and dis-
9 position, \$221,517,000, to be allocated as follows:

10 (i) For operation and maintenance,
11 \$175,517,000.

12 (ii) For plant projects (including
13 maintenance, restoration, planning, con-
14 struction, acquisition, modification of fa-
15 cilities, and the continuation of projects au-
16 thorized in prior years, and land acquisi-
17 tion related thereto), \$46,000,000, to be allo-
18 cated as follows:

19 Project 00-D-142, immobilization
20 and associated processing facility, var-
21 ious locations, \$3,000,000.

22 Project 99-D-141, pit disassembly
23 and conversion facility, various loca-
24 tions, \$20,000,000.

1 *Project 99–D–143, mixed oxide*
2 *fuel fabrication facility, various loca-*
3 *tions, \$23,000,000.*

4 *(G) For program direction, \$51,468,000.*

5 *(3) NAVAL REACTORS.—For naval reactors,*
6 *\$677,600,000, to be allocated as follows:*

7 *(A) For naval reactors development,*
8 *\$656,200,000, to be allocated as follows:*

9 *(i) For operation and maintenance,*
10 *\$627,500,000.*

11 *(ii) For general plant projects,*
12 *\$11,400,000.*

13 *(iii) For plant projects (including*
14 *maintenance, restoration, planning, con-*
15 *struction, acquisition, modification of fa-*
16 *ilities, and the continuation of projects au-*
17 *thorized in prior years, and land acquisi-*
18 *tion related thereto), \$17,300,000, to be allo-*
19 *cated as follows:*

20 *Project 01–D–200, major office re-*
21 *placement building, Schenectady, New*
22 *York, \$1,300,000.*

23 *Project 90–N–102, expended core*
24 *facility dry cell project, Naval Reactors*
25 *Facility, Idaho, \$16,000,000.*

1 (B) *For program direction, \$21,400,000.*

2 (b) *ADJUSTMENT.—The total amount authorized to be*
3 *appropriated pursuant to paragraph (1) of subsection (a)*
4 *is the sum of the amounts authorized to be appropriated*
5 *in subparagraphs (A) through (D) of such paragraph re-*
6 *duced by \$95,000,000.*

7 **SEC. 3102. DEFENSE ENVIRONMENTAL RESTORATION AND**
8 **WASTE MANAGEMENT.**

9 (a) *IN GENERAL.—Funds are hereby authorized to be*
10 *appropriated to the Department of Energy for fiscal year*
11 *2001 for environmental restoration and waste management*
12 *in carrying out programs necessary for national security*
13 *in the amount of \$4,591,527,000, to be allocated as follows:*

14 (1) *SITE/PROJECT COMPLETION.—For site*
15 *project and completion in carrying out environmental*
16 *restoration and waste management activities nec-*
17 *essary for national security programs in the amount*
18 *of \$1,010,951,000, to be allocated as follows:*

19 (A) *For operation and maintenance,*
20 *\$941,475,000.*

21 (B) *For plant projects (including mainte-*
22 *nance, restoration, planning, construction, ac-*
23 *quisition, modification of facilities, and the con-*
24 *tinuation of projects authorized in prior years,*

1 *and land acquisition related thereto),*
2 *\$69,476,000, to be allocated as follows:*

3 *Project 01–D–402, Intec cathodic pro-*
4 *tection system expansion, Idaho National*
5 *Engineering and Environmental Labora-*
6 *tory, Idaho, \$500,000.*

7 *Project 01–D–407, Highly Enriched*
8 *Uranium (HEU) Blend-down, Savannah*
9 *River Site, Aiken, South Carolina,*
10 *\$27,932,000.*

11 *Project 99–D–402, tank farm support*
12 *services, F&H area, Savannah River Site,*
13 *Aiken, South Carolina, \$7,714,000.*

14 *Project 99–D–404, health physics in-*
15 *strumentation laboratory, Idaho National*
16 *Engineering and Environmental Labora-*
17 *tory, Idaho, \$4,300,000.*

18 *Project 98–D–453, plutonium sta-*
19 *bilization and handling system for pluto-*
20 *onium finishing plant, Richland, Wash-*
21 *ington, \$1,690,000.*

22 *Project 97–D–470, regulatory moni-*
23 *toring and bioassay laboratory, Savannah*
24 *River Site, Aiken, South Carolina,*
25 *\$3,949,000.*

1 *Project 96–D–471, chlorofluorocarbon*
2 *heating, ventilation, and air conditioning*
3 *and chiller retrofit, Savannah River Site,*
4 *Aiken, South Carolina, \$12,512,000.*

5 *Project 92–D–140, F and H canyon*
6 *exhaust upgrades, Savannah River Site,*
7 *Aiken, South Carolina, \$8,879,000.*

8 *Project 86–D–103, decontamination*
9 *and waste treatment facility, Lawrence*
10 *Livermore National Laboratory, Livermore,*
11 *California, \$2,000,000.*

12 (2) *POST-2006 COMPLETION.—For post-2006*
13 *project completion in carrying out environmental res-*
14 *toration and waste management activities necessary*
15 *for national security programs in the amount of*
16 *\$3,108,457,000, to be allocated as follows:*

17 (A) *For operation and maintenance,*
18 *\$2,588,725,000.*

19 (B) *For plant projects (including mainte-*
20 *nance, restoration, planning, construction, ac-*
21 *quisition, modification of facilities, and the con-*
22 *tinuation of projects authorized in prior years,*
23 *and land acquisition related thereto),*
24 *\$99,732,000, to be allocated as follows:*

1 *Project 01–D–403, immobilized high*
2 *level waste interim storage facility, Rich-*
3 *land, Washington, \$1,300,000.*

4 *Project 99–D–403, privatization phase*
5 *I infrastructure support, Richland, Wash-*
6 *ington, \$7,812,000.*

7 *Project 97–D–402, tank farm restora-*
8 *tion and safe operations, Richland, Wash-*
9 *ington, \$46,023,000.*

10 *Project 94–D–407, initial tank re-*
11 *trieval systems, Richland, Washington,*
12 *\$17,385,000.*

13 *Project 93–D–187, high-level waste re-*
14 *moval from filled waste tanks, Savannah*
15 *River Site, Aiken, South Carolina,*
16 *\$27,212,000.*

17 (3) *SCIENCE AND TECHNOLOGY.—For science*
18 *and technology in carrying out environmental res-*
19 *toration and waste management activities necessary*
20 *for national security programs in the amount of*
21 *\$196,548,000.*

22 (4) *PROGRAM DIRECTION.—For program direc-*
23 *tion in carrying out environmental restoration and*
24 *waste management activities necessary for national*
25 *security programs in the amount of \$359,888,000.*

1 (b) *ADJUSTMENT.*—*The total amount authorized to be*
2 *appropriated in subsection (a) is the sum of the amounts*
3 *authorized to be appropriated in paragraphs (1) through*
4 *(4) of that subsection reduced by \$84,317,000, to be derived*
5 *from offsets and use of prior year balances.*

6 **SEC. 3103. OTHER DEFENSE ACTIVITIES.**

7 (a) *IN GENERAL.*—*Funds are hereby authorized to be*
8 *appropriated to the Department of Energy for fiscal year*
9 *2001 for other defense activities in carrying out programs*
10 *necessary for national security in the amount of*
11 *\$557,122,000, to be allocated as follows:*

12 (1) *INTELLIGENCE.*—*For intelligence,*
13 *\$38,059,000, to be allocated as follows:*

14 (A) *For operation and maintenance,*
15 *\$36,059,000.*

16 (B) *For plant projects (including mainte-*
17 *nance, restoration, planning, construction, ac-*
18 *quisition, modification of facilities, and the con-*
19 *tinuation of projects authorized in prior years,*
20 *and land acquisition related thereto), \$2,000,000,*
21 *to be allocated as follows:*

22 *Project 01–D–800, Sensitive compart-*
23 *mented information facility, Lawrence*
24 *Livermore National Laboratory, Livermore,*
25 *California, \$2,000,000.*

1 (2) *COUNTERINTELLIGENCE.—For counterintel-*
2 *ligence, \$45,200,000.*

3 (3) *SECURITY AND EMERGENCY OPERATIONS.—*
4 *For security and emergency operations, \$340,376,000,*
5 *to be allocated as follows:*

6 (A) *For nuclear safeguards and security,*
7 *\$124,409,000.*

8 (B) *For security investigations,*
9 *\$33,000,000.*

10 (C) *For emergency management,*
11 *\$93,600,000.*

12 (D) *For program direction, \$89,367,000.*

13 (4) *INDEPENDENT OVERSIGHT AND PERFORM-*
14 *ANCE ASSURANCE.—For independent oversight and*
15 *performance assurance, \$14,937,000.*

16 (5) *ENVIRONMENT, SAFETY, AND HEALTH.—For*
17 *the Office of Environment, Safety, and Health,*
18 *\$111,050,000, to be allocated as follows:*

19 (A) *For environment, safety, and health*
20 *(defense), \$88,446,000.*

21 (B) *For program direction, \$22,604,000.*

22 (6) *WORKER AND COMMUNITY TRANSITION AS-*
23 *SISTANCE.—For worker and community transition*
24 *assistance, \$24,500,000, to be allocated as follows:*

1 (B) \$1,000,000 more than the amount au-
2 thorized for that program by this title; or

3 (2) which has not been presented to, or requested
4 of, Congress.

5 (b) *REPORT.*—(1) *The report referred to in subsection*
6 *(a) is a report containing a full and complete statement*
7 *of the action proposed to be taken and the facts and cir-*
8 *cumstances relied upon in support of such proposed action.*

9 (2) *In the computation of the 45-day period under sub-*
10 *section (a), there shall be excluded any day on which either*
11 *House of Congress is not in session because of an adjourn-*
12 *ment of more than 3 days to a day certain.*

13 (c) *LIMITATIONS.*—(1) *In no event may the total*
14 *amount of funds obligated pursuant to this title exceed the*
15 *total amount authorized to be appropriated by this title.*

16 (2) *Funds appropriated pursuant to this title may not*
17 *be used for an item for which Congress has specifically de-*
18 *nied funds.*

19 **SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.**

20 (a) *IN GENERAL.*—*The Secretary of Energy may carry*
21 *out any construction project under the general plant*
22 *projects authorized by this title if the total estimated cost*
23 *of the construction project does not exceed \$5,000,000.*

24 (b) *REPORT TO CONGRESS.*—*If, at any time during*
25 *the construction of any general plant project authorized by*

1 *this title, the estimated cost of the project is revised because*
2 *of unforeseen cost variations and the revised cost of the*
3 *project exceeds \$5,000,000, the Secretary shall immediately*
4 *furnish a complete report to the congressional defense com-*
5 *mittees explaining the reasons for the cost variation.*

6 **SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.**

7 (a) *IN GENERAL.*—(1) *Except as provided in para-*
8 *graph (2), construction on a construction project may not*
9 *be started or additional obligations incurred in connection*
10 *with the project above the total estimated cost, whenever the*
11 *current estimated cost of the construction project, which is*
12 *authorized by section 3101, 3102, or 3103, or which is in*
13 *support of national security programs of the Department*
14 *of Energy and was authorized by any previous Act, exceeds*
15 *by more than 25 percent the higher of—*

16 (A) *the amount authorized for the project; or*

17 (B) *the amount of the total estimated cost for the*
18 *project as shown in the most recent budget justifica-*
19 *tion data submitted to Congress.*

20 (2) *An action described in paragraph (1) may be taken*
21 *if—*

22 (A) *the Secretary of Energy has submitted to the*
23 *congressional defense committees a report on the ac-*
24 *tions and the circumstances making such action nec-*
25 *essary; and*

1 (B) a period of 30 days has elapsed after the
2 date on which the report is received by the commit-
3 tees.

4 (3) In the computation of the 30-day period under
5 paragraph (2), there shall be excluded any day on which
6 either House of Congress is not in session because of an
7 adjournment of more than 3 days to a day certain.

8 (b) *EXCEPTION.*—Subsection (a) shall not apply to
9 any construction project which has a current estimated cost
10 of less than \$5,000,000.

11 **SEC. 3124. FUND TRANSFER AUTHORITY.**

12 (a) *TRANSFER TO OTHER FEDERAL AGENCIES.*—The
13 Secretary of Energy may transfer funds authorized to be
14 appropriated to the Department of Energy pursuant to this
15 title to other Federal agencies for the performance of work
16 for which the funds were authorized. Funds so transferred
17 may be merged with and be available for the same purposes
18 and for the same period as the authorizations of the Federal
19 agency to which the amounts are transferred.

20 (b) *TRANSFER WITHIN DEPARTMENT OF ENERGY.*—
21 (1) Subject to paragraph (2), the Secretary of Energy may
22 transfer funds authorized to be appropriated to the Depart-
23 ment of Energy pursuant to this title between any such au-
24 thorizations. Amounts of authorizations so transferred may
25 be merged with and be available for the same purposes and

1 *for the same period as the authorization to which the*
2 *amounts are transferred.*

3 (2) *Not more than five percent of any such authoriza-*
4 *tion may be transferred between authorizations under para-*
5 *graph (1). No such authorization may be increased or de-*
6 *creased by more than five percent by a transfer under such*
7 *paragraph.*

8 (c) *LIMITATION.—The authority provided by this sec-*
9 *tion to transfer authorizations—*

10 (1) *may only be used to provide funds for items*
11 *relating to activities necessary for national security*
12 *programs that have a higher priority than the items*
13 *from which the funds are transferred; and*

14 (2) *may not be used to provide funds for an item*
15 *for which Congress has specifically denied funds.*

16 (d) *NOTICE TO CONGRESS.—The Secretary of Energy*
17 *shall promptly notify the Committee on Armed Services of*
18 *the Senate and the Committee on National Security of the*
19 *House of Representatives of any transfer of funds to or from*
20 *authorizations under this title.*

21 **SEC. 3125. AUTHORITY FOR CONCEPTUAL AND CONSTRUC-**
22 **TION DESIGN.**

23 (a) *REQUIREMENT FOR CONCEPTUAL DESIGN.—(1)*
24 *Subject to paragraph (2) and except as provided in para-*
25 *graph (3), before submitting to Congress a request for funds*

1 *for a construction project that is in support of a national*
2 *security program of the Department of Energy, the Sec-*
3 *retary of Energy shall complete a conceptual design for that*
4 *project.*

5 (2) *If the estimated cost of completing a conceptual*
6 *design for a construction project exceeds \$3,000,000, the*
7 *Secretary shall submit to Congress a request for funds for*
8 *the conceptual design before submitting a request for funds*
9 *for the construction project.*

10 (3) *The requirement in paragraph (1) does not apply*
11 *to a request for funds—*

12 (A) *for a construction project the total estimated*
13 *cost of which is less than \$5,000,000; or*

14 (B) *for emergency planning, design, and con-*
15 *struction activities under section 3126.*

16 (b) *AUTHORITY FOR CONSTRUCTION DESIGN.—(1)*
17 *Within the amounts authorized by this title, the Secretary*
18 *of Energy may carry out construction design (including ar-*
19 *chitectural and engineering services) in connection with*
20 *any proposed construction project if the total estimated cost*
21 *for such design does not exceed \$600,000.*

22 (2) *If the total estimated cost for construction design*
23 *in connection with any construction project exceeds*
24 *\$600,000, funds for such design must be specifically author-*
25 *ized by law.*

1 **SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DE-**
2 **SIGN, AND CONSTRUCTION ACTIVITIES.**

3 (a) *AUTHORITY.*—*The Secretary of Energy may use*
4 *any funds available to the Department of Energy pursuant*
5 *to an authorization in this title, including those funds au-*
6 *thorized to be appropriated for advance planning and con-*
7 *struction design under sections 3101, 3102, and 3103, to*
8 *perform planning, design, and construction activities for*
9 *any Department of Energy national security program con-*
10 *struction project that, as determined by the Secretary, must*
11 *proceed expeditiously in order to protect public health and*
12 *safety, to meet the needs of national defense, or to protect*
13 *property.*

14 (b) *LIMITATION.*—*The Secretary may not exercise the*
15 *authority under subsection (a) in the case of any construc-*
16 *tion project until the Secretary has submitted to the con-*
17 *gressional defense committees a report on the activities that*
18 *the Secretary intends to carry out under this section and*
19 *the circumstances making such activities necessary.*

20 (c) *SPECIFIC AUTHORITY.*—*The requirement of section*
21 *3125(b)(2) does not apply to emergency planning, design,*
22 *and construction activities conducted under this section.*

23 **SEC. 3127. AVAILABILITY OF FUNDS.**

24 (a) *IN GENERAL.*—*Except as provided in subsection*
25 *(b), amounts appropriated for any activities under this title*
26 *pursuant to an authorization of appropriations in this title*

1 *shall remain available for obligation only until the later*
2 *of the following dates:*

3 (1) *October 1, 2003.*

4 (2) *The date of the enactment of an Act author-*
5 *izing funds for such activities for fiscal year 2004.*

6 (b) *EXCEPTION FOR PROGRAM DIRECTION.—Amounts*
7 *appropriated for program direction pursuant to an author-*
8 *ization of appropriations in this title shall remain avail-*
9 *able for obligation only until the later of the following dates:*

10 (1) *October 1, 2001.*

11 (2) *The date of the enactment of an Act author-*
12 *izing funds for such program direction for fiscal year*
13 *2002.*

14 **SEC. 3128. TRANSFERS OF DEFENSE ENVIRONMENTAL MAN-**
15 **AGEMENT FUNDS.**

16 (a) *TRANSFER AUTHORITY FOR DEFENSE ENVIRON-*
17 *MENTAL MANAGEMENT FUNDS.—The Secretary of Energy*
18 *shall provide the manager of each field office of the Depart-*
19 *ment of Energy with the authority to transfer defense envi-*
20 *ronmental management funds from a program or project*
21 *under the jurisdiction of the office to another such program*
22 *or project.*

23 (b) *LIMITATIONS.—(1) Only one transfer may be made*
24 *to or from any program or project under subsection (a) in*
25 *a fiscal year.*

1 (2) *The amount transferred to or from a program or*
2 *project under subsection (a) may not exceed \$5,000,000 in*
3 *a fiscal year.*

4 (3) *A transfer may not be carried out by a manager*
5 *of a field office under subsection (a) unless the manager*
6 *determines that the transfer is necessary to address a risk*
7 *to health, safety, or the environment or to assure the most*
8 *efficient use of defense environmental management funds at*
9 *the field office.*

10 (4) *Funds transferred pursuant to subsection (a) may*
11 *not be used for an item for which Congress has specifically*
12 *denied funds or for a new program or project that has not*
13 *been authorized by Congress.*

14 (c) *EXEMPTION FROM REPROGRAMMING REQUIRE-*
15 *MENTS.—The requirements of section 3121 shall not apply*
16 *to transfers of funds pursuant to subsection (a).*

17 (d) *NOTIFICATION.—The Secretary, acting through the*
18 *Assistant Secretary of Energy for Environmental Manage-*
19 *ment, shall notify Congress of any transfer of funds pursu-*
20 *ant to subsection (a) not later than 30 days after such*
21 *transfer occurs.*

22 (e) *DEFINITIONS.—In this section:*

23 (1) *The term “program or project” means, with*
24 *respect to a field office of the Department of Energy,*
25 *any of the following:*

1 (A) A program referred to or a project listed
2 in paragraph (2) or (3) of section 3102.

3 (B) A program or project not described in
4 subparagraph (A) that is for environmental res-
5 toration or waste management activities nec-
6 essary for national security programs of the De-
7 partment, that is being carried out by the office,
8 and for which defense environmental manage-
9 ment funds have been authorized and appro-
10 priated before the date of the enactment of this
11 Act.

12 (2) The term “defense environmental manage-
13 ment funds” means funds appropriated to the Depart-
14 ment of Energy pursuant to an authorization for car-
15 rying out environmental restoration and waste man-
16 agement activities necessary for national security pro-
17 grams.

18 (f) DURATION OF AUTHORITY.—The managers of the
19 field offices of the Department may exercise the authority
20 provided under subsection (a) during the period beginning
21 on October 1, 2000, and ending on September 30, 2001.

1 **Subtitle C—Program Authoriza-**
2 **tions, Restrictions, and Limita-**
3 **tions**

4 **SEC. 3131. FUNDING FOR TERMINATION COSTS FOR TANK**
5 **WASTE REMEDIATION SYSTEM ENVIRON-**
6 **MENTAL PROJECT, RICHLAND, WASHINGTON.**

7 *The Secretary of Energy may not use appropriated*
8 *funds to establish a reserve for the payment of any costs*
9 *of termination of any contract relating to the tank waste*
10 *remediation system environmental project, Richland, Wash-*
11 *ington. Such costs may be paid from—*

12 *(1) appropriations originally available for the*
13 *performance of the contract concerned;*

14 *(2) appropriations currently available for pri-*
15 *vatization initiatives in carrying out environmental*
16 *restoration and waste management activities nec-*
17 *essary for national security programs, and not other-*
18 *wise obligated; or*

19 *(3) funds appropriated specifically for the pay-*
20 *ment of such costs.*

21 **SEC. 3132. ENHANCED COOPERATION BETWEEN NATIONAL**
22 **NUCLEAR SECURITY ADMINISTRATION AND**
23 **BALLISTIC MISSILE DEFENSE ORGANIZATION.**

24 *(a) JOINTLY FUNDED PROJECTS.—The Secretary of*
25 *Energy and the Secretary of Defense shall modify the*

1 memorandum of understanding for the use of national lab-
2 oratories for ballistic missile defense programs, entered into
3 under section 3131 of the National Defense Authorization
4 Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat.
5 2034), to provide for jointly funded projects.

6 (b) *REQUIREMENTS FOR PROJECTS.*—The projects re-
7 ferred to in subsection (a) shall—

8 (1) be carried out by the National Nuclear Secu-
9 rity Administration and the Ballistic Missile Defense
10 Organization; and

11 (2) contribute to sustaining—

12 (A) the expertise necessary for the viability
13 of such laboratories; and

14 (B) the capabilities required to sustain the
15 nuclear stockpile.

16 (c) *PARTICIPATION BY NNSA IN CERTAIN BMDO AC-*
17 *TIVITIES.*—The Administrator of the National Nuclear Se-
18 curity Administration and the Director of the Ballistic Mis-
19 sile Defense Organization shall implement mechanisms that
20 increase the cooperative relationship between those organi-
21 zations. Those mechanisms shall include participation by
22 personnel of the National Nuclear Security Administration
23 in the following activities of the Ballistic Missile Defense
24 Organization:

25 (1) Peer reviews of technical efforts.

1 (2) *Activities of so-called “red teams”.*

2 **SEC. 3133. REQUIRED CONTENTS OF FUTURE-YEARS NU-**
3 **CLEAR SECURITY PROGRAM TO BE SUB-**
4 **MITTED WITH FISCAL YEAR 2002 BUDGET AND**
5 **LIMITATION ON THE OBLIGATION OF CER-**
6 **TAIN FUNDS PENDING SUBMISSION OF THAT**
7 **PROGRAM.**

8 (a) *FINDINGS.—Congress finds that:*

9 (1) *The budget justification materials submitted*
10 *to Congress in support of the budget for fiscal year*
11 *2001 did not comply with the requirement of section*
12 *3251(b) of the National Nuclear Security Administra-*
13 *tion Act (title XXXII of Public Law 106–65; 113*
14 *Stat. 966; 50 U.S.C. 2451) that the amounts requested*
15 *for the National Nuclear Security Administration be*
16 *specified in individual, dedicated program elements.*

17 (2) *The information submitted to Congress in*
18 *support of that budget did not comply with the re-*
19 *quirement of section 3253(b) of such Act (50 U.S.C.*
20 *2453(b)) that a future-years nuclear security program*
21 *be submitted that contains—*

22 (A) *the estimated expenditures and pro-*
23 *posed appropriations necessary to support the*
24 *programs, projects, and activities of the Admin-*
25 *istration during the five-fiscal year period cov-*

1 *ered by the program, expressed in a level of de-*
2 *tail comparable to that contained in the budget;*
3 *and*

4 *(B) a description of the anticipated work-*
5 *load requirements for each Administration site*
6 *during that five-fiscal year period.*

7 *(b) REQUIRED DETAIL FOR FUTURE-YEARS NUCLEAR*
8 *SECURITY PROGRAM SUBMITTED WITH FISCAL YEAR 2002*
9 *BUDGET.—The future-years nuclear security program sub-*
10 *mitted in connection with the budget for fiscal year 2002*
11 *shall, at a minimum, and in addition to the information*
12 *required to be contained in such program by section 3253*
13 *of such Act (50 U.S.C. 2453), include the following informa-*
14 *tion:*

15 *(1) A detailed description of proposed program*
16 *elements for directed stockpile work, campaigns, read-*
17 *iness in technical base and facilities, nonproliferation*
18 *and national security, fissile materials disposition,*
19 *and naval reactors, and for their associated projects,*
20 *activities, and construction projects, during the five-*
21 *fiscal year period covered by such program.*

22 *(2) A statement of proposed budget authority,*
23 *proposed expenditures, and proposed appropriations*
24 *necessary to support each proposed program element*
25 *specified in paragraph (1).*

1 (3) *A detailed description of how the funds iden-*
2 *tified for each proposed program element specified in*
3 *paragraph (1) in the budget of the Administration for*
4 *each fiscal year during the five-fiscal year period cov-*
5 *ered by such program will help ensure that the nu-*
6 *clear weapons stockpile is safe and reliable as deter-*
7 *mined in accordance with the criteria established*
8 *under section 3158 of the Strom Thurmond National*
9 *Defense Authorization Act for Fiscal Year 1999 (Pub-*
10 *lic Law 105–261; 112 Stat. 2257; 42 U.S.C. 2121*
11 *note).*

12 (c) *LIMITATION ON OBLIGATION OF CERTAIN*
13 *FUNDS.—The Administrator for Nuclear Security may not*
14 *obligate more than 50 percent of the funds described in sub-*
15 *section (d) until 30 days after the Administrator submits*
16 *the future-years nuclear security program required to be*
17 *submitted in connection with the budget for fiscal year*
18 *2002.*

19 (d) *COVERED FUNDS.—Funds referred to in subsection*
20 *(c) are funds appropriated or otherwise available to the Ad-*
21 *ministrator for Program Direction within any National*
22 *Nuclear Security Administration budget account for fiscal*
23 *year 2001.*

1 **SEC. 3134. LIMITATION ON OBLIGATION OF CERTAIN**
 2 **FUNDS.**

3 (a) *LIMITATION.*—*The Secretary of Energy may not*
 4 *obligate any funds appropriated or otherwise made avail-*
 5 *able to the Secretary for fiscal year 2001 for the purpose*
 6 *of infrastructure upgrades or maintenance in an account*
 7 *specified in subsection (b) for any other purpose.*

8 (b) *COVERED ACCOUNTS.*—*An account referred to in*
 9 *subsection (a) is any Construction account or Readiness in*
 10 *Technical Base and Facilities account within any National*
 11 *Nuclear Security Administration budget account.*

12 **TITLE XXXII—DEFENSE NU-**
 13 **CLEAR FACILITIES SAFETY**
 14 **BOARD**

15 **SEC. 3201. AUTHORIZATION.**

16 *There are authorized to be appropriated for fiscal year*
 17 *2001, \$17,000,000 for the operation of the Defense Nuclear*
 18 *Facilities Safety Board under chapter 21 of the Atomic En-*
 19 *ergy Act of 1954 (42 U.S.C. 2286 et seq.).*

20 **TITLE XXXIII—NATIONAL**
 21 **DEFENSE STOCKPILE**

22 **SEC. 3301. AUTHORIZED USES OF STOCKPILE FUNDS.**

23 (a) *OBLIGATION OF STOCKPILE FUNDS.*—*During fis-*
 24 *cal year 2001, the National Defense Stockpile Manager may*
 25 *obligate up to \$70,500,000 of the funds in the National De-*
 26 *fense Stockpile Transaction Fund established under sub-*

1 *section (a) of section 9 of the Strategic and Critical Mate-*
2 *rials Stock Piling Act (50 U.S.C. 98h) for the authorized*
3 *uses of such funds under subsection (b)(2) of such section,*
4 *including the disposal of hazardous materials that are envi-*
5 *ronmentally sensitive.*

6 (b) *ADDITIONAL OBLIGATIONS.—The National Defense*
7 *Stockpile Manager may obligate amounts in excess of the*
8 *amount specified in subsection (a) if the National Defense*
9 *Stockpile Manager notifies Congress that extraordinary or*
10 *emergency conditions necessitate the additional obligations.*
11 *The National Defense Stockpile Manager may make the ad-*
12 *ditional obligations described in the notification after the*
13 *end of the 45-day period beginning on the date on which*
14 *Congress receives the notification.*

15 (c) *LIMITATIONS.—The authorities provided by this*
16 *section shall be subject to such limitations as may be pro-*
17 *vided in appropriations Acts.*

18 **SEC. 3302. USE OF EXCESS TITANIUM SPONGE IN THE NA-**
19 **TIONAL DEFENSE STOCKPILE TO MANUFAC-**
20 **TURE DEPARTMENT OF DEFENSE EQUIP-**
21 **MENT.**

22 (a) *TRANSFER AUTHORIZED.—Upon the request of the*
23 *Secretary of a military department or the director of a de-*
24 *fense agency, the Secretary of Defense may transfer excess*
25 *titanium sponge in the National Defense Stockpile for use*

1 *in manufacturing equipment to be used by the Armed*
2 *Forces. The quantity of titanium sponge transferred under*
3 *this section may not exceed 20,000 short tons.*

4 (b) *NONREIMBURSABLE.*—*Any transfer of excess tita-*
5 *nium sponge under this section shall be made without reim-*
6 *bursement, except that the recipient of the material shall*
7 *be responsible for all transportation and related costs in-*
8 *curred in connection with the transfer.*

9 (c) *RELATIONSHIP TO OTHER DISPOSAL AUTHOR-*
10 *ITY.*—*Any request by the Secretary of the Army for the*
11 *transfer of titanium sponge pursuant to section 3305 of the*
12 *National Defense Authorization Act for Fiscal Year 1996*
13 *(Public Law 104–106; 110 Stat. 630) takes precedence over*
14 *any transfer request received under this section.*

15 **TITLE XXXIV—MARITIME**
16 **ADMINISTRATION**

17 **SEC. 3401. AUTHORIZATION OF APPROPRIATIONS FOR FIS-**
18 **CAL YEAR 2001.**

19 *Funds are hereby authorized to be appropriated for fis-*
20 *cal year 2001, to be available without fiscal year limitation*
21 *if so provided in appropriations Acts, for the use of the De-*
22 *partment of Transportation for the Maritime Administra-*
23 *tion as follows:*

24 (1) *For expenses necessary for operations and*
25 *training activities, \$94,160,000.*

1 (2) *For expenses under the loan guarantee pro-*
2 *gram authorized by title XI of the Merchant Marine*
3 *Act, 1936 (46 App. U.S.C. 1271 et seq.), \$54,179,000,*
4 *of which—*

5 (A) *\$50,000,000 is for the cost (as defined*
6 *in section 502(5) of the Federal Credit Reform*
7 *Act of 1990 (2 U.S.C. 661a(5))) of loan guaran-*
8 *tees under the program; and*

9 (B) *\$4,179,000 is for administrative ex-*
10 *penses related to loan guarantee commitments*
11 *under the program.*

12 **SEC. 3402. EXTENSION OF PERIOD FOR DISPOSAL OF OBSO-**
13 **LETE VESSELS IN THE NATIONAL DEFENSE**
14 **RESERVE FLEET.**

15 (a) *EXTENSION.*—Section 6(c)(1)(A) of the National
16 *Maritime Heritage Act of 1994 (16 U.S.C. 5405(c)(1)(A))*
17 *is amended by striking “2001” and inserting “2006”.*

18 (b) *UTILIZATION OF FOREIGN SCRAPPING.*—Section
19 *6(c)(1) of such Act (16 U.S.C. 5405(c)(1)) is amended—*

20 (1) *in subparagraph (B) by striking “and” after*
21 *the semicolon;*

22 (2) *in subparagraph (C)—*

23 (A) *by striking “in accordance with” and*
24 *inserting “subject to subparagraph (D), in ac-*
25 *cordance with”; and*

1 (B) by striking the period at the end and
2 inserting “; and”; and

3 (3) by adding at the end the following:

4 “(D) to the maximum extent possible, by
5 scrapping outside of the United States.”.

6 (b) *PLAN FOR COMPLETION OF DISPOSAL*.—Not later
7 than 90 days after the date of the enactment of this Act,
8 the Secretary of Transportation shall submit to the Con-
9 gress a plan for completing disposal of vessels in the Na-
10 tional Defense Reserve Fleet in accordance with section 6(c)
11 of the National Maritime Heritage Act of 1994 (16 U.S.C.
12 5405), as amended by subsection (a), including—

13 (1) a description of resources required for such
14 completion; and

15 (2) a determination of the extent to which such
16 vessels will be disposed of by scrapping outside of the
17 United States.

18 **SEC. 3403. AUTHORITY TO CONVEY NATIONAL DEFENSE RE-**

19 **SERVE FLEET VESSEL, GLACIER.**

20 (a) *AUTHORITY TO CONVEY*.—The Secretary of Trans-
21 portation (in this section referred to as “the Secretary”)
22 may, subject to subsection (b), convey all right, title, and
23 interest of the United States Government in and to the ves-
24 sel in the National Defense Reserve Fleet that was formerly
25 the U.S.S. *GLACIER* (United States official number AGB–

1 4) to the Glacier Society, Inc., a corporation established
2 under the laws of the State of Connecticut that is located
3 in Bridgeport, Connecticut (in this section referred to as
4 the “recipient”).

5 (b) *TERMS OF CONVEYANCE.*—

6 (1) *REQUIRED CONDITIONS.*—*The Secretary may*
7 *not convey a vessel under this section unless the*
8 *recipient—*

9 (A) *agrees to use the vessel for the purpose*
10 *of a monument to the accomplishments of mem-*
11 *bers of the Armed Forces of the United States, ci-*
12 *vilians, scientists, and diplomats in exploration*
13 *of the Arctic and the Antarctic;*

14 (B) *agrees that the vessel will not be used*
15 *for commercial purposes;*

16 (C) *agrees to make the vessel available to*
17 *the Government if the Secretary requires use of*
18 *the vessel by the Government for war or national*
19 *emergency;*

20 (D) *agrees to hold the Government harmless*
21 *for any claims arising from exposure to asbestos,*
22 *polychlorinated biphenyls, or lead paint after the*
23 *conveyance of the vessel, except for claims arising*
24 *from use of the vessel by the Government pursu-*

1 ant to the agreement under subparagraph (C);
2 and

3 (E) provides sufficient evidence to the Sec-
4 retary that it has available for use to restore the
5 vessel, in the form of cash, liquid assets, or a
6 written loan commitment, financial resources of
7 at least \$100,000.

8 (2) *DELIVERY OF VESSEL.*—If the Secretary con-
9 veys the vessel under this section, the Secretary shall
10 deliver the vessel—

11 (A) at the place where the vessel is located
12 on the date of conveyance;

13 (B) in its condition on that date; and

14 (C) at no cost to the United States Govern-
15 ment.

16 (3) *ADDITIONAL TERMS.*—The Secretary may re-
17 quire such additional terms in connection with the
18 conveyance authorized by this section as the Secretary
19 considers appropriate.

20 (c) *OTHER UNNEEDED EQUIPMENT.*—If the Secretary
21 conveys the vessel under this section, the Secretary may also
22 convey to the recipient any unneeded equipment from other
23 vessels in the National Defense Reserve Fleet or Government
24 storage facilities for use to restore the vessel to museum
25 quality or to its original configuration (or both).

1 (d) *RETENTION OF VESSEL IN NDRF.*—*The Secretary*
2 *shall retain in the National Defense Reserve Fleet the vessel*
3 *authorized to be conveyed under this section until the earlier*
4 *of—*

5 (1) *2 years after the date of the enactment of this*
6 *Act; or*

7 (2) *the date of the conveyance of the vessel under*
8 *this section.*

Amend the title so as to read: “A bill to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.”.

Union Calendar No. 336

106TH CONGRESS
2^D SESSION

H. R. 4205

[Report No. 106-616]

A BILL

To authorize appropriations for fiscal year 2001 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2001, and for other purposes.

MAY 12, 2000

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed